

Inde

The best Fence against Popery :
OR, A
VINDICATION
OF THE
Power of the KING
IN
Ecclesiastical Affairs.

Being an ANSWER to the
PAPISTS Objections against
the *Oath of Supremacy.*

To which is added, Queen *Elizabeth's* Admonition, declaring the Sense of the said Oath, and King *James's* Vindication of the Oath of Allegiance.

By a Learned Divine.

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THE
LAWFULNES
OF THE
Oath of Supremacy, &c.



HE Supremacy of the Kings of *England* being eclipsed by the Bishop of *Rome*, in both parts of it, the State thought fit to enjoin a Provision of equal extension. In relation to the *Civil Rights* of the Crown, is the Oath of *Allegiance*; and against the Encroachments upon the *Ecclesiastical*, this of the *Supremacy*, which being first enjoined, containeth in a manner both. This Oath hath given the Papists such a Blow, as they could not but strike again, and have poured out a Flood of Arguments and Absurdities against submitting to it, which hath been a long time scattered, and stick in the Minds of divers of his Majesty's Loyal Subjects; who, tho otherwise well affected, yet by reason of some Doubts and Tendernefs, are at a stand to this day, and scruple the taking of this Oath: For whose satisfaction, and clearing the Lawfulness of this Supremacy, is the ensuing Discourse.

C H A P. I.

§. 1. *The Oath it self, as now enjoined.* §. 2. *The Occasion of this Oath.* §. 3. *Various Forms of it, and Alterations about it.* §. 4. *Interpretations given of it in our Laws, and Writers of Note.* §. 5. *The Nature of our Assent and Stipulation.*

The Oath of Supremacy.

I A. B. do utterly testify and declare in my Conscience, that the King's Highness is the only Supreme Governour of this Realm, and of all other his Highness's Dominions and Countries, as well in all Spiritual or Ecclesiastical Things or Causes, as Temporal: And that no Foreign Prince, Person, Prelate, State, or Potentate, hath, or ought to have any Jurisdiction, Power, Superiority, Preeminence, or Authority Ecclesiastical or Spiritual, within this Realm. And therefore I do utterly renounce and forsake all Foreign Jurisdications, Powers, Superiorities, and Authorities, and do promise, that from henceforth I shall bear Faith and true Allegiance to the King's Highness, his Heirs and lawful Successors; and to my power shall assist and defend all Jurisdications, Privileges, Preeminences, and Authorities, granted or belonging to the King's Highness, his Heirs and Successors, as united and annexed to the Imperial Crown of this Realm.

§ 2. For many Years there hath been a Contest about Jurisdiction and Supremacy in Ecclesiastical Matters, between the Bishop of Rome, and the Kings of England; who hath got ground herein, according as our Princes were found more weak, necessitous, or devoted to his Holiness. Rome was not built in a Day. By William the Conqueror, Legatēs from the Pope, to hear and determine Ecclesiastical Causes, were admitted. Henry the First, after much Contest, yields to the Pope the Patronages and Donations of Bishopricks, and all other Ecclesiastical Benefices; it being decreed at Rome, that no Lay-*Person* should give any Ecclesiastical Charge. King Stephen grants, that Appeals be made to the Court of Rome. In Henry the Second's Days, the Pope gets the Clergy, and Spiritual Persons, exempted from Secular Powers. The Bishop of Rome is now over all Ecclesiastical Persons and Causes, even in these Dominions, Supreme Head. And having upon the matter made Conquest over more than half the Kingdom, in the Times of King John, and Henry the Third, sets on for the whole, and obtains of King John an absolute Surrender of England and Ireland unto his Holiness, which were granted back again by him to the King, to hold of the Church of Rome, in Fee-farm and Vassalage. Being now absolute and immediate Lord over all, he endeavours to convert the Profits of both Kingdoms to his own Use; so that Prince and People were hereby reduced to very great Poverty and Servitude.

Such Ruine being brought upon both Kingdoms by this Device and Engine, (the Claim and Exercise of Ecclesiastical Jurisdiction over Persons and Causes by a Foreign Power) the Nation was awakened, both King, Lords, and Commons, yea, the Spiritual Lords themselves, to join with more Vigor against this Foreign Usurpation. To this purpose severe Laws were made, in the Time of Edw. 1st, 2^d, 3^d. Richard the 2^d, and Hen. the 4th. Notwithstanding these Laws, (and some formerly, as the Constitutions of Clarendon by Hen. 2.) partly by Sufferance, and partly by Negligence, the whole Nation being Catholick, and held under a devotional Slavery, there was no thorow or successful Contest against these Oppressions. They remained unto, and were complained of in Henry the Eighth's Days; as of Appeals to Rome in Causes of Matrimony, Divorce, Tithes, &c.

to the great Inquietation, Vexation and Trouble, Costs and Charges of the King's Highness, and many of his Subjects. 24 Hen: 8. cap. 12. In a further Complaint, Anno 25, cap. 21. it is declared, how that the Subjects of this Realm have been greatly decay'd and impoverished by intolerable Exactions of great Sums of Money, claimed, and taken out of this Realm by the Bishop of Rome, as well in Penfions, Censes, Peter-Pence, Procurations, Provisions, Delegacies, Rescripts in Causes of Contention and Appeals, as also for Dispensations, Licenses, Faculties, &c. who assumed a Power to dispense with all humane Laws, Uses, and Customs of all Realms. And many the like Complaints were made to King Henry, by his Parliament, at several times, as it appears in the Statutes of that Age: In which Statutes, as in that of the 24th of Hen. 8. c. 12. & 25. c. 21. 26. c. 1, 3. Anno 28. c. 1, 7, 10, 16, and 35 c. 1. you have the whole Fabrick of Romish Usurpation laid level, and all Ecclesiastical Power reduced within his Majesty's Dominions, and placed in the Arch Bishop, and other Ecclesiastical Persons under him, by firm and severe Laws.

This being done, the King is petitioned by his Lords and Commons, That for further Corroboration of those Acts, and utterly to exclude the long usurped Power, Authority, and Jurisdiction of the Bishop of Rome, that an OATH, containing the Substance and Effect of those Statutes, be limited and tendered to his Subjects.

This Parcel of Sacred Worship (an Oath) is indulged to Mankind in Civil Affairs. Such is the Falseness, Unrighteousness, and Uncertainty of Men, as that human Societies could hardly subsist without it. The Lord, to repair our Credit, hath formed Mens Hearts generally to a great and apparent Religion, and Reverence of this Ordinance. The Heathens themselves termed it *Sacramentum*, as if the most eminent or only Thing Sacred, and religiously to be observed. It is so effectual a Means to establish a Reformation, as Men will be kept firm by Oaths; (saith one) tho there were neither Laws nor Magistrates. We are exposed to more Variety and Changes from Unsteadiness in the Mind, than from any thing that is without us. Fix the Conscience, and you fix the Man, whatever Evil he is thereby exposed to. There is nothing generally more effectual to fix the Conscience than an Oath: If I have sworn, and invoked the Name of God in an Engagement, it will be an End of all Strife, and dispute

dispute with my self, as well as with others, *Heb. 6. 16.* Our Counsels and Resolutions are in common apprehension become immutable, when confirmed by an Oath, ver. 17. *Whosoever (saith Moses) Numb. 30. 32* sweareth an Oath, and bindeth his Soul by a Bond. It is the Bond of the Soul, we have given Security for our Faithfulness from Heaven. For removing the Romish Yoke, which lay so heavy upon Prince and People, Means hath been used again and again, almost in each King's Reign, for near Four Hundred Years, but to no great effect. Gospel-Light dawning about us, and the binding of our Souls by an Oath, hath been the fixing of this great Work, and the best Fence against Popery that ever was set up. I have spoken the more fully of the *Occasion*, and this *Means* (our Oath), that we may not judge the taking of it to be a *taking the Name of God in vain*; for as long as this Nation is in danger of Popish Tyranny in Ecclesiastical Matters, so long is this Oath of absolute use and advantage, as the best Security between Man and Man for Union against it.

§. 3. A Parliament being called in 22 *Hen. 8.* the King was recognized by the Clergy of that Convocation, *Supreme Head of the Church*; the Expression or Form hereof debated, agreed upon, and subscribed by each Person there, was this: *Cujus (Ecclesie Anglicane) singularem Protectorem, unicum & supremum Dominum, & (quantum per Christi leges licet) supremum Caput, ipsius Majestatem recognoscimus.* This Title was afterwards confirmed by divers Acts of Parliament, and two Oaths formed to this purpose in one Parliament, viz. 28 *Hen. 8.* the one more brief, having with it the Succession of the Crown, in *cap. 7.* the other more full and large, and to this purpose only, *cap. 10.* Some Years after, viz. in *An. 35 Hen. 8.* a Revive of both these Oaths was made by the Parliament, and with some Alterations reduced into one: The Reasons there are given why this was done; and it was resolved, *Those Oaths shall not therefore be administered, and this Oath to stand in force and place of the two Oaths.* Which Oath began thus:

I A. B. having now the Vail of Darkness of the usurped Power of the See and Bishops of Rome clearly taken away from mine Eyes, do utterly testify, &c.

This

Anno 1533.

1 Eliz. 2.

In his Letter
to Crispy, Sec.
of France.

This Oath remained the same the rest of his Reign, and all *Edward*, the Sixth's time. *Queen Elizabeth*, in the first Year of her Reign, made these Alterations: 1. That Expression of *Supreme Head*, &c. went hardly down by some, as taking too much from the Pope; and as giving too much to any Secular Prince, by others. Tho *Henry* the 8th, by his Letter written to the Clergy of *York* Province, well defends it; yet *Queen Elizabeth* by her Parliament changed that Expression. *The Oath was altered* (to use Secretary *Walsingham's* Words) *into a more grateful Form, the hardnest of the Name, and the Appellation of Supreme Head being removed.* 2. This Oath by that 35 of *Hen.* 8. might be tendered to any Subject at the King's pleasure, *cap.* 1. By the Statute 1 *Eliz.* 8. the urging of it was limited to certain Persons, employed in Publick Trust. 3. The Penalty for refusing it, at first was no less than High-Treason: By the Statute 1 *Eliz.* the Punishment for Refusal is only a Disenablement to take any Promotion, or exercise any Publick Charge, yet with this *Proviso*, if afterwards during Life there were a submitting to take this Oath, the Person might be restored to his Office or Charge. But by the Parliament in 5 *Eliz.* the Punishment (which as yet stands) is greater: The first Refusal of the Oath brings the Person within a *Premunire*; and if tendred a second time, after the space of three Months, and again refused by the same Person, it is High-Treason. This Severity in the Punishment, is recompensed with a more gentle and indulgent Interpretation of the Oath, as will appear in the following *Section*.

As we are not to swear rashly, so our Laws do not give Oaths rashly, but with great care and tenderness, weighing and considering both the Matter, Persons, Penalties, and the Season or Occasion, being not willing their Laws, or Punishments for breaking of them, be a Snare, or at any time more grievous to the Subject than the Necessity of State requires.

§. 4. The true Scope and Sence of this Oath may be gathered from the Laws and Statutes since established, and some Light also from other Writers of Note.

Queen Eliz. within a little time after this Oath was reduced to the Form wherein now it stands, in an *Admonition* annexed to the *Injunctions*, declareth the Sence and Interpretation of it, as followeth.

THE

THe Queen's Majesty being informed, that in certain Places of this Realm, sundry of her Native Subjects being called to Ecclesiastical Ministry in the Church, be, by sinister Persuasion, and perverse Construction, induced to find some scruple in the Form of an Oath, which by an Act of the last Parliament is prescribed to be required of divers Persons, for the Recognition of their Allegiance to her Majesty, which certainly neither was ever meant, ne by any equity of Words, or good Sence, can be thereof gathered; would that all her Loving Subjects should understand, that nothing was, is, or shall be meant or intended by the same Oath, to have any other Duty, Allegiance, or Bond required by the same Oath, than was acknowledged to be due to the most noble Kings of famous memory, King Henry the Eighth, her Majesty's Father, or King Edward the Sixth, her Majesty's Brother.

The Admonition annexed to the Queen's Injunctions.

And further, her Majesty forbiddeth all manner her Subjects to give ear or credit to such perverse and malicious Persons, which most sinisterly and maliciously labour to notify to her Loving Subjects, how by the Words of the said Oath it may be collected, the Kings or Queens of this Realm, Possessors of the Crown, may challenge Authority and Power of Ministry of Divine Offices in the Church; wherein her said Subjects be much abused by such evil disposed Persons: For certainly her Majesty neither doth, ne ever will challenge any other Authority, than that was challenged, and lately used by the said noble Kings of famous memory, King Henry the Eighth, and King Edward the Sixth, which is, and was of ancient time due to the Imperial Crown of this Realm: That is, under God, to have the Sovereignty and Rule over all manner of Persons born within these her Realms, Dominions, and Countries, of what Estate, either Ecclesiastical or Temporal soever they be, so as no other Foreign Power shall, or ought.

ought to have any Superiority over them. And if any Person, that hath conceived any other Sence of the Form of the said Oath, shall accept the same Oath with this Interpretation, Sence, or Meaning, her Majesty is well pleased to accept every such in that behalf, as her good and obedient Subjects, and shall acquit them of all manner Penalties contained in the said Act, against such as shall peremptorily or obstinately refuse to take the same Oath.

In the fifth Year of her Reign, there is by Act of Parliament, a Confirmation of this Sence, by way of *Proviso*, in these Words :

The *Proviso*
in the Statute
of 5 Eliz.
cap. 1.

Provided also, That the Oath expressed in the said Act, made in the said first Year, shall be taken and expounded in such Form as is set forth in an Admonition annexed to the Queen's Majesty's Injunctions, published in the first Year of her Majesties Reign : That is to say, to confess and acknowledg in her Majesty, her Heirs and Successors, none other Authority than that was challenged, and lately used by the Noble King Henry the Eighth, and King Edward the Sixth, as in the said Admonition more plainly may appear.

There may be a Doubt made about this Interpretation, as whether it be not inconsistent with the Words of the Oath, it seems to be rather a material Change of them, than an Interpretation. In the Oath it is, *All Spiritual or Ecclesiastical Things or Causes* ; in the Interpretation it is, *All manner of Persons, of what Estate, either Ecclesiastical or Temporal, soever they be*. The Oath seems to speak of one thing, and the Interpretation of another ; the one of Causes, and the other of Persons.

Ans. There is no opposition or Inconsistency between these two, *Persons and Causes*. The principal Object of a Law is a Person, and a Person with respect to his Actions, a Person morally considered ; for a Person physical, that is, in his Being only, and Nature as Man, without moving, or acting any thing good

*Ad leges, per
se requiritur
potestas in per-
sonam, secun-
dum in res
alias. Suarez
de Leg. lib. 1.
cap. 8.*

good or evil, is not the Object of a Law : nor Actions of any kind or sort whatsoever, as Actions, and in that general Consideration, do come under a Law, but as they respect Persons, and are some way or other the Actions of reasonable Creatures : Tho a Law be made to punish the *Ox which goreth a Man that be dieth*, yet it is with respect to Man, to let him know how much God is provoked by lhedding Man's Blood, as *Gen. 9. 5. Doth God care for Oxen ?* Doth God in his Law respect the Beast for it self? is it not that Man may be instructed and restrained? *Verse 10. He saith it altogether for our sakes.* The mentioning of Ecclesiastical Causes therefore doth imply Persons, and Persons of the same Denomination, to whom such Actions are peculiar, that is, Ecclesiastical Persons.

2. And that this latter is an Interpretation of the former, will thus appear: The Oath, in giving a Supremacy in all Spiritual or Ecclesiastical Causes, might seem to imply Spiritual Things to be the immediate and proper Object of the Magistrates Power, and spiritual Persons, only for this, because they had to do in spiritual Matters; and to infer thence, that the Christian Magistrate hath Power in spiritual Administrations, as the Word and Sacraments, after the same manner as hath the Ministers of Christ, who have Power in these Things, as the principal and immediate Object of their Function: Which this Form of Expression in the Admonition doth clearly take away, 1. In asserting, that *by the Words of the said Oath, Kings or Queens of this Realm may not challenge Authority and Power of Ministry of Divine Offices in the Church.* 2. The mentioning Ecclesiastical Persons, and not Spiritual or Ecclesiastical Causes at all, implieth, that the Persons of Bishops, Presbyters, and such like, are primarily and immediately the Object of this Supreme Power, and the Laws made by it, upon another Consideration than as Bishops, &c. namely, as being *born within these her Majesty's Realms and Dominions, and such Persons, of what Estate, either Ecclesiastical or Temporal, soever they be, She hath the Sovereignty and Rule over them.*

Spiritual and Ecclesiastical Things are mentioned in the Oath upon a twofold Account: 1. Because the Civil Magistrate's Power and Jurisdiction really extends it self to the Duties of both Tables, and hath to do with Matters and Causes, as well as Persons, that are spiritual, (as hereafter we shall shew)

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but, 2. Principally, that a Calling or Employment in Church-Affairs, (whatsoever hath been formerly judged and practised) doth no more exempt a Person and his Actings, (that is a Subject to the Queen upon any other account) from her Secular Power, than doth a Temporal Calling or Employment in any worldly Affairs.

There is something of Explication further, in the Articles of Religion, concluded in the Year 1562. The 37th Article is this:

The 37th Article professed in the Church of England.

The Queen's Majesty hath the chief Power in her Realm of England, and other her Dominions, unto whom the chief Government of all Estates of this Realm, whether they be Ecclesiastical or Civil, in all Causes doth appertain, and is not, nor ought to be subject to any Foreign Jurisdiction.

Where we attribute to the Queen's Majesty the chief Government, by which Titles we understand the Minds of some Slanderous Folks to be offended, we give not to our Prince the ministring either of God's Word, or of the Sacraments: The which thing the Injunctions also, lately set forth by Elizabeth our Queen, do most plainly testify: But that only Prerogative, which we see to have been given always to all Godly Princes in Holy Scriptures, by God himself; that is, that they should rule all Estates and Degrees committed to their Charge by God, whether they be Ecclesiastical or Temporal, and restrain with the Civil Sword the Stubborn, and Evil-doers.

The Bishop of Rome hath no Jurisdiction in this Realm of England.

It is mentioned in the *Admonition*, that the Queen's Ecclesiastical Power is the same that was challenged and used by Henry the Eighth, &c. Which is supposed by some, to be the same that was in the Pope, the Person only, and not the Power changed: so that our Princes are but Secular Popes. This Objection

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was strengthened by the Subtilty of *Gardiner* abroad; and at home, by a Sermon preached at *Paul's-Cross*, in the Year 1588, by Dr. *Bancroft*, who calls Queen *Elizabeth* a *petty Pope*, and tells us, her Ecclesiastical Authority is the same which the Pope had formerly. This 37th Article removes the Scruple sufficiently: 1. In asserting the Authority given to her Majesty to be no other but what we see to have been given to all Godly Princes in holy Scriptures, &c. And for what Power *Henry* the Eighth challenged, it was no new Jurisdiction wrested from the Pope, but a Power or Prerogative justly and rightfully belonging to him, claimed and exercised by his Predecessors some hundreds of Years before his Time, being anciently annexed to the Crown. 2. In the latter part of the Article it is also evident: For tho a Power in spiritual Causes be given to a Secular Prince, yet it is not a spiritual Power, and such a Jurisdiction as the Pope claims, but such a Power only, and in such a way as is put forth and exercised in ordinary Civil Affairs; and the same, in respect both to Ecclesiastical and Temporal Persons, namely, a restraining with the Civil Sword the Stubborn and Evil-doers. So to restrain or coerce, is an Authority or Jurisdiction peculiar to Civil Magistrates, and by Christ himself denied to the highest Ecclesiastical Powers. Ye know (saith Christ) the Princes of the Gentiles exercise Dominion over them; and they that are great, exercise Authority upon them: but it shall not be so among you, you Apostles; and threatens the Use of the Sword in such Persons, Mat. 26. 52.

Whom Calvin
terms *Impostor*
ille, in Am. 7^a
13.

25 Henry 8.
cap. 1.

Mat. 23, 35, 36.

King *James* speaking of the Oath of Supremacy; 'In that Oath (saith he) is contained only the King's absolute Power over all Persons, as well Civil as Ecclesiastical, excluding all Foreign Powers and Potentates to be Judges within his Dominions. In his *Appl.* pag. 76. And more fully afterwards, pag. 164. 'It implies (saith he) a Power to command Obedience to be given to the Word of God, by reforming Religion according to his prescribed Will, by assisting the spiritual Power by his temporal Sword, by Reformation of Corruption, by procuring due Obedience to the Church, by judging and cutting off all frivolous Questions and Schisms, as *Constantine* did; and finally, by making a *Decorum* to be observed in all indifferent Things, for that purpose, which is the only Intent of our Oath of Supremacy.

My Lord *Coke*, out of 1^o *Eliz.* and in the Words of the Statute gives this Interpretation: 'There is (saith he) no Jurisdiction by this Act affixed to the Crown, but was of Right, or ought to be by the ancient Laws of this Realm, parcel of his Jurisdiction, and which lawfully had been, or might be exercised within the Realm. The End of which Jurisdiction, and of all the Proceedings thereupon, is, that all Things might be in Causes Ecclesiastical to the pleasure of Almighty God, Increase of Vertue, and the Conservation of the Peace and Unity of the Realm, as by divers places of the Act appears. And therefore by that Act, no pretended Jurisdiction exercised within this Realm, being ungodly, or repugnant to the ancient Law of the Crown, was, or could be restored to the Crown, according to the ancient Right and Law of the same. *Coke, de Jure Ecclesiastico, fol. 8.*

Bishop Bilson, a great Searcher into the Doctrine of the Supremacy of Kings, gives this as the Sence of the Oath. 'The Oath (saith he) expresseth not Kings Duty to God, but ours to them: As they must be obeyed, when they join with Truth; so must they be endured, when they fall into Error. Which Side soever they take, either Obedience to their Wills, or Submission to their Swords, is their due by God's Law, and that is all which our Oath exacteth. And in a few Lines following, he interprets what is meant by Supremacy. 'We do not (saith he) give Princes Power to do what they list, in the Matters appertaining to God, and his Service. Indeed we say, the Pope may not depose them, nor pull the Crown off their Heads. In this only Sence we defend them to be Supreme, that is, not at liberty to do what they list, without regard of Truth or Right, but without Superior on Earth.

Dr. Morton against the Pope's Supremacy, out of an Epistle of *Leo* to the Emperor, speaking thus: *You must not be ignorant, that your Princely Power is given unto you, not only in worldly Regiment, but also spiritual. for the Preservation of the Church.* As if he had said, not only in Cases Temporal, but also in Spiritual, so far as it belongeth to the outward Preservation, not to the personal Administration of them. And this is the Substance of our English Oath: and further, neither do our Kings of England challenge, nor Subjects condescend unto.

pag. 26.

Mr.

Mr. *Mason* in his *Vindiciæ Ecclesiæ Angliæ*, speaking of *Calvin's Lib. 3. c. 5.* being offended, *verum si intellexisset nihil aliud sibi voluisse hunc Titulum*, &c. ' *Calvin* would never have disallowed this Oath, ' if he had understood by the Title of *supream Governour* in ' *Ecclesiastical Things*, that nothing else had been claimed, but ' an exclusion of *Popish Tyranny*, and a lawful Power in the ' King over his Subjects; which stands not in coyning new ' Articles of Faith or Forms of Religion, such as were *Jerobo-* ' *am's Calves*; but in defending and propagating that Faith ' and Religion of which God in the Scripture is the undoubted ' Author. In this sence and *no other* that ever we have heard ' of, is the Title of *Supream Governour* given to, and accepted ' by the King.

§. 5. This Oath hath matters contained in it, (as you may perceive) that are not of one nature and kind; the Assent and Stipulation required of us, in respect to the several parts of it, is likewise various and different: As our Creed according to the different nature of the Articles, is believed by the different Acts of Faith. To what is contained in the former part of the Oath in these Words; *I do utterly testify and declare in my Conscience, that the King's Highness is the only Supream Governour of this Realm*, &c. Herein is required a true, real and cordial Assent to, and Profession of what is mentioned; as also to give this Testimony with such Sincerity of Heart as in the Presence of God. To swear positively to any dogmatical Assertion, is not required; it would be taking the Name of God in vain: for if it be a certain and undoubted Truth in it self and to others; as are Principles in Reason and Articles of Faith; an Oath is vain, for it ends no Strife. 2. If doubtful, and a question whether true or not, though such an Oath puts it out of question that I believe so; yet not that it is a Truth. My Belief though ever so much evidenced and confirmed, doth not make a doubtful matter it self more credible; nor is one Man's believing an Assertion any just ground for another Man to believe the same; such an Oath is therefore in vain, it's not a fit medium to end such a Controversy. 2. It is further said, *I do utterly renounce and forsake all Foreign Jurisdictions*, &c. This requires not only the Sincerity of my Perswasion and Profession against the Title and Claim of all foraign Powers; but

Heb. 9.

but upon Oath to forsake, that is to abjure (we abjure when we swear to quit and forsake.) To forsake a Power or Jurisdiction, is to refuse, and not to receive, submit, or yield Obedience to any Commands given by it, or make any Appeals or Complaints to it. 3. That which followeth, and wherein the main of this Engagement lieth, is in these Words; *I do promise that from henceforth I shall bear Faith, &c. and to my Power I will assist all Jurisdictions, &c.* Herein is required a *Promissory* Oath, swearing Allegiance to the King, (as a Loyal Subject) to submit to his Laws, as also if there be occasion; to my Power to assist and defend him, and all Jurisdictions and Privileges belonging to him. Though my Perswasion be ever so right, my Resolution ever so sincere, at the taking of this Oath; that's not all is required. In an *Affertory* Oath, if there be Truth and a right Frame of Heart in time I swear, and give my Testimony, it sufficeth: But a *Promissory* Oath is not discharged by this, that I sincerely intend what I say and promise, for I engage to Action, and for the time to come; I must not only promise, but (if it be lawful and possible) I must act and do accordingly, *Numb. 30.2. If a Man swear an Oath to bind his Soul with a Bond, he shall do according to all that proceedeth out of his Mouth.*

CHAP. II.

What is meant by Persons and things Spiritual or Ecclesiastical; in the proper, as also in the vulgar use of these Terms.

IF this Expression *Spiritual*, be interpreted by the Contradistinct Member, *Temporal*, it seems to direct us, to understand such matters as concern Eternity, for that is the true Opposite to what is *temporal*: 2 Cor. 4.18. *The things that are seen are temporal, and the things that are not seen, are eternal*: now in strictness of Speech *carnal*, not *temporal*, is the opposite Member to *spiritual*; *I could not speak unto you as spiritual Men, but as to carnal*; 1 Cor. 3. 1. and 1 Cor. 9. *If we have sown unto you spiritual*

ritual things, is it a great matter if we reap your carnal things? But this is too narrow and strict a Sense. There are matters vulgarly termed Spiritual or Ecclesiastical, being such in Name and Title only, having nothing of a Spiritual Nature in them. Such a Distinction of spiritual things you have in a Letter written by Henry the 8th to his Clergy, of the Province of York, in the Year 1533, who were offended at his Title of being *Supream Head of the Church*: 'Men (saith he) being here themselves earthly and temporal, cannot be Head and Governour to things eternal, nor yet Spiritual; taking this word Spiritual not as in the common Speech abused, but as it signifies indeed. By spiritual things as abused in common Speech, he means what is given to all such Persons and Causes as belong to the Spiritual Court, and are termed by *Civilians*, *cause vel res contentiose vel judiciales*, matters of contest, *inter partes, actorem & reum*, and come to be determined by Sentence of the Judge in those Courts. By those things that are indeed spiritual, is meant *res extra judiciales*, or *non contentiose*; that is, such things as are determined not in a Judicial, or Court-way of Tryal, by Witnesses, Oaths, Interpleadings, Sentences, and the like; but in a more deliberate and synodical way, having the Word of God for Witness and Judge; both in respect of what we do, and what we may do in things of this Nature. Causes Ecclesiastical (saith Dr. Field) are of two sorts; for some are originally and naturally such, and some only in that they are referred to the Cognizance of Ecclesiastical Persons, as the probat of the Testaments, Matrimony, &c. Those Spiritual Courts being continued; and the same Causes tried in them as before, when this Jurisdiction was usurped; the matters that were then, are still vulgarly reputed Spiritual.

Field of the Church p. 680.

Emperors receiving the Christian Faith, honoured the learned and godly Bishops antiently with some Jurisdiction, in the cases of Tythes, Matrimony, Wills and the like; which are termed Ecclesiastical or Spiritual; not from their own Nature, but from the Quality of the Persons who were made Judges of them. They being *spiritual Men*; the Causes come to be called *spiritual Causes* (after their Names and Quality) that were set over them. These Causes growing and increasing in after-times, according as spiritual Persons were able by the Popes assistance, to rattle from Princes; the managing of them requires

quire more hands, than those to whom first committed, namely the Bishops, and such as were in holy Orders, they therefore took in for Assistants, a great number of others, as *Archdeacons, Chancellors, Commissaries, Officials, &c.* and these are denominated Spiritual from those Causes, and their assistance of Bishops in the managing of them: and their Courts, Spiritual Courts.

There are Persons that are truly spiritual, *The spiritual Man* (saith Paul) judgeth all things, 1 Cor. 2. 14. and Gal. 6. 1. *Ye that are spiritual, &c.* That is, such as have Grace and Holiness. He also that hath spiritual Gifts, and in a Gospel-Office or Calling, is a spiritual Person, 1 Cor. 14. 37. *a Man of God*, 2 Tim. 3. 17. And there are Matters or Causes that are truly spiritual; as *the Law is spiritual*, Rom. 7. The Gospel and preaching of it, is *a sowing of spiritual things*; 1 Cor. 9. the Worship and Service of God, and all Gifts and Ordinances of Christ, are spiritual. Yea whatsoever things natural, or moral, that are helps to the Persons worshipping; and by which the Worship it self becomes more orderly and to Edification, and in the defect whereof *the Name of God is taken in vain*, and Ordinances of Christ become less acceptable and effectual: these Things and Circumstances, in some sence may be termed Spiritual or Ecclesiastical. Persons and Causes of each sort, whether vulgarly or properly, termed Spiritual or Ecclesiastical, are some way or other under the Magistrates Government.

1 Pet. 2. 5.

1 Cor. 11. and
24. 12.

The former of these, those spiritual Persons and Courts, and Causes appertaining to them in the first framing of this Oath, were principally (if not only) intended and aimed at, as appeareth in the Statutes before mentioned. And indeed the greatest Contention between the Pope and our Princes in all time hath been about Ecclesiastical Matters of that nature; being then judged of greatest prejudice in respect both to the *Honour* and *Wealth* of this Nation. For, those matters more truly spiritual, and nearly relating to God and his Service (the Ignorance of the times was such) his Impositions, both in Doctrine and Worship (though very sinful, unsound, and superstitious) were generally received by Prince and People in this Nation, without resisting or complaining.

—There can be no question but these matters being indeed temporal, properly belong to the Secular Powers. For, for the space of three hundred Years, this Distinction was not known

known (saith Sir John Davis) or heard of In the Christian World; the Causes of *Testaments, Matrimony, &c.* termed Ecclesiastical or Spiritual were meerly Civil, and determined by the Civil Laws of the Magistrate.

Sir J. D. in
his Reports,
the Case of
Premunire.

And for Persons and Causes Spiritual or Ecclesiastical, that are properly and indeed such, as first-Table-Duties, which contain matters of Faith and Holiness, and what conduceth to the eternal Wellfare of Mens Souls; an Interest and Duty there is in the Civil Magistrate *more suo*, to give Commands, and exercise lawful Jurisdiction about things of that nature. And for Persons, there is no Man for his Graces so spiritual, or in respect of his Gifts and Office so eminent; but he is under the Government of the Civil Powers in the Place where he lives, as much in all respects as any other Subject.

CHAP. III.

1. Of Power, its rise and original.
2. Two sorts of Power in Ecclesiastical or Spiritual Things.
3. Their Agreement, and,
4. Difference of the one from the other.

§. 1. **T**HERE is a difference between *Potentia* and *Potestas* *Potentia*, δύναμις, Strength, Force, Robustness. Such a Power is found not only in Men, particular Persons, as *Sampson, Goliath, &c.* but in other inferior Creatures. *Potestas* ἐξουσία, Jurisdiction, Authority, this is peculiar to rational Creatures, and as they are a Commonalty and in Society one with another. Though Force and Strength as in singular Persons be sufficient for publick Actions, yet without Authority, we act not lawfully; and having Authority, if we have not Power and Strength sufficient, we cannot act effectually, therefore joyned together in a King. *Dan. 2. 37.*

Job 40. 18.

All Men by Nature are equal; yet, in the first forming of Man, a Capacity is found in him, with some remote Disposition to rule and obey; as, 1. A Sociableness, *let us make Man in our Image*; *Us* and *Orr*, a Trinity in One his Creator: Hence in each Man's Constitution, a Propension and natural bent to

D

Union

Union. This God himself observes, *It is not good for Man to be alone* : the Woman is created, not only for a Companion, but that Men and Women might increase and be multiplied. 2. Multitudes of Men if not reduced into Subordination and Order, having lost their original Righteousness, will be a greater Evil than if each were alone by himself. One Man will exalt himself over others, and according to that *brutish Force* and Strength wherein he excelleth, rob, oppress, murder and pillage others. 3. Hence a necessity of *Republicks* and Commonwealths, that some Rules and Laws may be provided not only for Direction, but for Correction if need be. 4. Such Laws imply Authority, and a *Supremacy* also in it; for such Authority or Jurisdiction only is Legislative.

Rom. 13.

Man consists of Soul and Body. This Principle of Civility or Sociableness (whence Authority hath its Original and Rise) is placed primarily in the Soul. Society and Republicks are for the *moral* Good of Mens Souls therefore, and not to accommodate the Body only. The Powers also that are, being *ordained of God*, who is *the Father of Spirits*, ought to be managed and directed to Matters wherein our Souls and Spirits are concerned. The Good and Evil for which these *Powers* are *ordained* is not limited to the Body or outward Man.

Ephes. 6. 4.

The Power of Parents and Masters in the Family, it is civil, not sacred, yet ordained for the bringing up Children and Servants in the *Nurture of the Lord*.

There being a new Creation in and through the Lord Jesus Christ : These Persons created of God, *partake of a Divine Nature*, and thence the like Propension to Union and a holy Fellowship with those whom Christ hath redeemed out of the World. Therefore a special Provision is made by the Lord Jesus for such, to joyn together in particular Societies or Churches, Himself being appointed by his Father to be their King and Law-giver, who hath left them Rules and Laws for managing the Affairs of these spiritual Corporations or *Brotherhoods* (as the Scripture terms them); Power also and Authority for putting these Laws in execution is given unto Churches. So that there is a twofold Power or Authority, to be exercised in Causes, and over Persons Ecclesiastical or Spiritual, the one placed in the Princes, the other in the Churches of Christ.

1. The

1. *The difference betwixt these two Powers.*
2. *The Necessity if the Civil Power in Ecclesiastical Matters, notwithstanding Church-Power.*

§. 2. What is common to both, and wherein each of these Powers differ from the other, shall briefly be shewed.

1. They are *Powers*, both a Subordination or Policy in the Church as well as in the Common-weal, and an ἐξουσία, or Jurisdiction exercised in each. You read of Authority or Jurisdiction not only in Civil Assemblies, as *Rom. 13. John 19. 11.* but also in Churches, *2 Cor. 10. 8.* and *13. 10.* the word is ἐξουσία in both places.

2. They are both from God, and the Ordinance of God, and ought to be submitted to *for Conscience sake*, and are for Encouragement to those that are Good, and for Wrath upon him that doth Evil; and he that resisteth this Power in either, *resists the Ordinance of God*, and they that resist receive to themselves Damnation (as the Apostle speaks) as well in respect to the one as the other. And both being from God, they are also both Powers *under God*, that is, under his Designment and Limits, as also his Direction and Guidance; for his Glory, as the ultimate; and the good of Mankind, as the penultimate end of both.

3. This Power of Princes is termed spiritual, *Ratione objecti*, because it hath to do with Spiritual Persons and Causes. In such like a sense and manner of Speech (if it had the stamp of vulgar Use) the Church-Power, may be termed Civil or Temporal; because all sorts of Persons and Causes without Difference are under the Power of it. That as the secular Power is *Custos utriusque Tabule*, matters of Holiness (and what's opposite to it, Blasphemy, Heresy, Perjury, &c.) as well as Righteousness; so Church-Power is *Custos utriusque Tabule*, Righteousness and second-Table-Duties, and what is opposite, as Rebellion, Sedition, Lying, Stealing; if any Man that is called *a Brother*, be *a Fornicator*, or *a Drunkard*, or *an Extortioner*, &c. In all these and such Cases the Church-Power is applied in an Ecclesiastical, or Spiritual way; as in a Civil and Secular way the Magistrate deals with what are Duties of the first Table.

The Powers do mutually further each other, and so ordained by God, (from whom they are both originally) as they sweetly

comply and agree (being kept in their just Bounds) each with other; as *Moses* and *Aaron*, *David* and *Nathan*, *Zerubbabel* the Son *Shealtiel*, and *Joshua* the Son of *Josedech*. *Jungamus Gladios*, said the Emperor to his Bishop, let us joyn our Forces and purge the Land of Wickedness. And our Senators in Parliament, speak thus of these; *Both Authorities and Jurisdictions joyn together, and the one helps the other*,

Stat. 20.

Hen 8. c. 12.

§. 3. Their Differences are in these Particulars.

1. Though both have (in their respective way) to do with both Tables, yet the Civil Magistrates Work lyeth most over Persons with respect to the Duties of the second Table; as in matters of *Justice*, and *Righteousness*; in the managing whereof, the very being of a Common-wealth principally consists; its wel-being, only as he hath to do in Spiritual or Ecclesiastical Causes. So the Church-Power is chiefly and principally exercised in the ordering of Persons, with respect to the first-Table-Duties, and which appertains to *Piety*: Wherein is the Being and constant Employment of Churches. The other, that is, matters of *Righteousness*, *Justice*, *Sobriety*, and the like, are occasionally only and *in ordine ad spiritualia*, under Church-Power and Censures.

2. The Power of Churches is not only spiritual *Ratione objecti*, because its over spiritual Persons and Causes; but *ex natura rei*, a spiritual Power having Spirituality, and its Denomination from more intrinseck Considerations, as the Matter, Form, Subject, Rule, End, &c. and not from the Object only, as that other Power; which though it be in spiritual things, yet it is not properly spiritual Power, the Sword which it bears is not *the Sword of the Spirit*, Ephes. 6. *which is the Word of God*, and this Word is eternal, not temporal, *it endureth for ever*, the Power and Sovereignty of it is from Christ; *out of his Mouth went a sharp two-edged Sword*: his Sword and Power being spiritual, it *pierceth*, runs deep, Heb. 4. *even betwixt the Soul and the Spirit*; there comes no such Sword or Law from Civil Authority: that Power in its greatest Efficacy, reacheth not the Inner-Man, though to be submitted unto for Conscience sake. Indeed this Power is over spiritual Persons, but not immediately and directly over their spiritual part: By these Powers we are given up to a Prison, to Banishment, to Death, but

R. V. I. 16.

but not to Satan. It is not for cruciating the Sou's, and perplexing the Consciences of Men, as is Church-Power, where there is Cause.

3. That of Secular Magistrates, even in Spiritual Affairs, and having to do primarily with the outward Man, is more Authoritative; it is *Jurisdictio propriè dicta*, *Legislative*, *Coercive*, and in all respects the same as in Civil Matters, what he doth in his own Name. And truly *ἐκκλησιαστικὴ*, Church-Power, is not properly Jurisdiction or Authority, as in the Church, but as in Christ, the Head of the Church; as seated in the Church, or *Cæus fidelium*, it is only *δρακονία*, *Ministerium*, not *Dominium*, and acts all in the Name or Authority of Christ.

4. They differ in Extension, in respect to both Persons and Causes. 1. Church-Power is limited to a particular Congregation, as Family-Power to those of our own Household: But this other Ecclesiastical Power, seated in the same Person or Persons, extends it self throughout a whole Kingdom, yea, sometimes to more than one. But in some one Province or Kingdom, you read in Scripture of many Churches. This cometh to pass from another Difference between these Powers: The Manage of Ecclesiastical Affairs, as in Civil Magistrates, may be delegated to other hands, by way of Commission or Deputation; they may ordain under them subordinate Thrones, and inferior Powers, acting in their Names, which is Lordly, and full of Honour and State: But Churches may not do so, by delegation of Power, Representatives, or any other Method or Way, to stretch forth the Wing of their Authority (like that of the Civil) over all the Churches of a Nation, or over more Congregations than one, or a greater than ordinarily partake of all other Ordinances together, is not at all suitable to a Church-Condition, which is Ministerial, not Lordly. So Mr. Bradshaw, as the Opinion of the Nonconformists: 'We confine and bound all Ecclesiastical Power within the Limits of only of one particular Congregation, holding, that the greatest Ecclesiastical Power ought not to stretch beyond the same: And that it is an arrogating of Princely Supremacy, for any Ecclesiastical Person or Persons whatsoever, to take upon themselves Ecclesiastical Jurisdiction over many Churches, much more over whole Kingdoms, and Provinces of Churches.

Of Supremacy,
pag. 238.

Holy Com-
mon-wealth,
pag. 220.

Considerati-
ons about
Church-Af-
fairs.

1 Eliz. cap. 1.
with 35 Hen. 8.

Carbo de Leg.
lib. 2. cap. 8.

Dr. *Bilson* speaks much to this purpose : 'Tho (saith he) Bishops may be called Governors in respect of the Soul, yet only Princes be Governors of Realms. Pastors have Flocks, and Bishops have Diocesses; Realms, Dominions, and Countries none have, but Princes and Magistrates. And so the Stile, Governor of this Realm, belongeth only to the Prince, and not to the Priest, and importeth a Publick and Princely Regiment. The Common-Wealth (saith Mr. *Baxter*) containeth all the People in a whole Nation, or more, as united in one Sovereign : But particular Churches have no general Ecclesiastical Officers, in whom a Nation must unite as one Church, but are as several Corporations in one Kingdom, &c. We see (saith Sir *Fr. Bacon*) in all Laws in the World, Offices of Confidence and Skill cannot be exercised by Delegation, all such Trust is personal and inherent, and may not be transported and delegated, as that of King, which for the most part is hereditary, and rather an Office of Interest than Confidence. 2. In respect to Causes, the Church-Power extends its Censures to no Causes, but such as the other may, as to Popery, Heresy, &c. But in many Cases the Civil Magistrate extends his Care and Authority, where Church-Power muddles not : As to Jews and Pagans, and such as are not Members of the Church; some things may be done by the Magistrate even for these, being Members of his Common-Wealth, that may conduce to their spiritual Good. The Church-Power is limited, as 1 Cor. 5. 12. So likewise whether the Crime committed be private or publick, Matter of Scandal, or not, or the Person penitent, or otherwise, these Powers are at liberty to punish or pardon alike, and as they shall judg it expedient, to be severe or merciful accordingly. They may form or reform the Laws and Statutes by which they govern; making the same Fault Treason in one Age, that in the next not so much as Imprisonment. But Church-Power is limited, the same Crime, the same Punishment ever, not being in the Power of this Republick to vary in their Process, in respect of lesser or greater Censures, if the Crime be the same.

5. In their Constitution or Tenure: *Licet omnis Potestas* (saith *Carbo*) *tum Ecclesiastica tum Civilis, sit à Deo, tamen non eodem modo; nam politica licet universe sit jure Divino, in particulari est jure Gentium, Ecclesiastica omni modo est jure divino, & à Deo.* Government in general is of Divine Right, but whether in this

or that particular Form, as in one, or a few representing the rest, this is humane, and hath its Original from Man. That Power which is termed an *Ordinance of God*, in Rom. 13. is called an *Ordinance of Man*, in 1 Pet. 2. Church-Power and Government being spiritual, hath all particulars for substance, both in respect of Persons and Administrations, for matter and manner appointed by Jesus Christ, and in all Nations to be the same. Civil Power, even in Ecclesiastical Matters, in many things for substance, is left to the Prudence of the State in which it is exercised; and in the Forms of it various, according to the manner of the Nation. As for Instance; Inspection into Religious Assemblies, visiting and observing their Demeanour, receiving Complaints by reason of Wrongs, Disorders, &c. These things may be done by the Civil Magistrate, in his own Person, or by Persons authorized from him; these Persons may be many, or but one in a Division, these Divisions of larger or less Compass. And for the manner of Procedure, it's various, as Ecclesiastical Courts differ in their manner of Process from Civil, or of a Method or Way of handling Causes different from each, be established by Law, it is equally warrantable. There are particular Directions left by Christ, according to which the Officers (and Persons more especially entrusted with this Power) are designed to, and invested in their Places and Charge, as *Election*, *Ordination*, &c. with Fasting and Prayer. The other Powers are settled upon, and claimed in such ways, as the respective Law of Nations design, as by Birth, Lot, Victory, Donation, or the like, as well as Election; inasmuch as a Woman or Child may have a rightful Claim to this Supreme Trust, and the Management of it, by themselves or others, as shall be appointed.

C H A P. IV.

§. 1. *Of the Necessity and Usefulness of a Jurisdiction over Persons, and in Causes Ecclesiastical, besides what is in Churches.* §. 2. *This Power is placed in Kings, and such as are the Supreme Governors in a Commonwealth.*

§. 1. **F**OR the second, we shall shew how necessary and useful *Civil Power* is, even in Ecclesiastical or Spiritual Matters, notwithstanding the other. It is not to be denied, that Souls were converted, and Churches established, and kept up, when there was no Assistance, but rather Opposition, from the Princes of the Earth, as in the Apostolick and Primitive Times. The Benefit we have now by Christian Magistrates, was then more abundantly supplied, (the Infancy of Christianity requiring more) by the Miracles wrought, and the constant Direction and Care of Apostolick and extraordinary Persons, who were gifted by *Christ* for that purpose.

All the ordinary Helps that now we have, by external and more sensual or carnal Means, contributing any thing to these great Works, is only a pious and *Christian Magistracy*, where a Nation is blessed with it. The Benefit hereof is much in a spiritual respect, both to the *World*, as likewise to the *Church*.

1. It is (tho remote) a great Help to bring Men out of their natural Condition, unto Life and Salvation. We are exhorted to *pray for Kings, and such as are in Authority*, 1 Tim. 2. The reason, v. 4. *For God will have all Men to be saved, and to come to the knowledge of the Truth.* As the Knowledge of the Truth is a means to bring a Soul into a saving State; so is the Magistrate (being enlightened himself) a great Means to bring us to the knowledge of the Truth. Those Men were in a great Distance from God, in a Rage against *Christ* and Religion, *Psal. 2. 1.* they did combine against the strict Ways of the Gospel; these poor Heathens being, notwithstanding, given to *Christ* by Election, v. 8. *David* useth a twofold Method for reducing them: The first is,

a representing their wretched and miserable Condition, while in this State of Enmity, *ver. 9.* Then, 2. deals with their Princes and Rulers, to be forthwith instructed, and serve the Lord, *i.e.* as Kings and Magistrates, in their publick Capacity. But must not the People be instructed also? Such Magistrates will speedily provide and take care for their People, that they may be brought to the knowledg of the Truth; and therefore it needs not to be mentioned.

The Magistratical Power conduceth to this Work divers ways, 1. By setting up and protecting a Gospel-Ministry. He only can subserve Providence, by sending, or giving way to others to send forth fit Persons, and enforce a Maintenance for their Encouragement in this Work. By such a Word of Providence (it is *δια κήρυγματος*) we come to *hear*, and by hearing we believe, *Rom. 10. 17.* He can urge his People to come to the Means, and outwardly conform to the same, and so bring them to the Knowledg of the Truth, the very Knowledg whereof, tho' not saving, is a means at least to restrain our inbred Corruption, and to work preparatively to Conversion, bringing Men into a Condition *not far from the Kingdom of Heaven*, as Christ speaks.

2 Pet. 2. 20.

2. The Civil Magistrate hath Power to punish and reward, and so to work upon the Passions of *Fear, Desire, Hope*, &c. Man, even in his Natural Estate, hath free Will in Moral Actions, if it be excited and drawn forth. The Passions are so seated betwixt the Will and Senses, that outward and sensual Objects work effectually upon it: the Motions of the Will, in this our State of Corruption, depending more upon the visions of what is sensual, than what is a rational Good or Evil. The most commanding and stirring Passion, and with most life and vigour, in a natural Man, is Self, or Self-Love; it is the first Principle usually that God excites in us towards Conversion, as in the Parable of the Prodigal, and divers other Scriptures. Sicknes, Poverty, and the like Occurrence of Providences, (Punishments for Sin) being sanctified by the Lord, work much upon us; so Miseries inflicted upon the more obstinate, from Magistrates (in Justice for evil-doing) have the same Operation: and by reason hereof, gross Corruptions are kept in and restrained, whereby the Habits of Sin decrease, and become less rank in the Soul. It is a *bedging our Way with Thorns*, as the Prophet speaks.

Hominem etsi timore pœnæ fugiat peccatum, paulatim affectum & animum ad illud amittere, & è contrario concipere odium illius, ideoque etiam vitare peccatum. Axiag. de Leg. Diss. 13. §. 9. Hof. 2. 6.

1 Cor. 5. 12,
13.

A great part of the World lies without the Pale of the Church, and the severity of its Judicature reacheth them not. This Power is exercised only on Church-Members; we have nothing to do to *judg them that are without*, tho they be *Fornicators, or Covetous, or Idolaters, or Drunkards, or Extortioners*; Churches, in respect of Censures and Punishment, leave them to God by the Magistrate, or the like Providential way to judg them, *vers. 13.*

Mich. 2. 11.

3. *Impedimenta removendo*; he removes corrupt Teachers, that slay Mens Souls, by crying Peace, prophesying of Wine, &c. indulging Sinners in their Security; and such as by Errors and false Doctrine poyson Mens Souls, to their eternal perdition; by restraining Stage-Plays, not permitting Brothel-Houses, and the like Fomenters of Sin.

1 Tim. 3. 3.
Mat. 10.

Now there is no means or provision so certain, and generally effectual to send out Preachers, to urge and constrain Men to hear, and for all these purposes, as this, when the Magistrate, according to his Trust and Duty, puts forth his Authority in these Matters; or that will so universally, as an *external means*, stir that Principle of Self-love in all Men, to the seeking after what is good, and the shunning of what is evil. A *Coercive Power* of this nature is placed in no other hand but his. Ministers may preach and persuade, but must be *no Strikers*, may not externally afflict and constrain; Peter may not use his sword in Christ's Quarrel. God only, and the Civil Magistrate, further our Happiness, by making us miserable.

Judg. 17. 6.

Paul, who had as much Power as any Man of that Order, yet his Weapons were only spiritual; and tho an Apostle, yet could not do so much as the meanest Civil Magistrate in such a Coercive way: for their Weapons will, whether Men incline or not, have an operation, and constant effect, less or more, to whomsoever applied. This Power therefore of the Civil Magistrate cannot well be wanted; or if it be, there is no ordinary means to be had for a supply in the room of it. *When there was no King in Israel, every Man did what was right in his own Eyes*, followed the Ways his Luts led him to. Suppose there be good Counsel and Instruction, yet to many Persons it signifieth little; for some Men are not corrigible by Words, *Prov. 29. 19.* The Foolishness that is bound up in our Hearts, must by Correction be driven far from us. *Prov. 22. 15.*

4. I shall conclude, adding in the last place, the *Praise of Well-doing*. The Countenance and Encouragement of the Magistrate to those that preach, and those that obey the Gospel of our Lord Jesus Christ, renders it even to a carnal Heart desirable. The Lord gives this honour to a poor *Servant*, faithful in his place, that he *adorns the Gospel*, and renders it more acceptable and effectual. So likewise the *Conversation of a Wife*, that those who obey not the Word, are without the Word won by such a Conversation; that is, won to the Love of the Word, and the liking of those Ways that are according to the Word. Much greater is that Honour and Ornament which comes to the Gospel, when the Magistrate, not only by his Conversation, and personal Example, but by his Laws and Authority, sets himself to encourage all he can, the Preachers and Professors thereof, bearing them up against Despisers and Scoffers.

Rom. 13.

Tit. 2. 10.

1 Pet. 3. 1.

2. In respect to the Church, and such as are effectually call'd out of the Worlds God hath promised, and in the Scripture much comforted his People in this, that they shall have great benefit by the Civil Magistrates that are over them: as *Isa. 32. 2.* & *chap. 49. 23.* & *chap. 60. 16.* These Promises relate to Gospel-times. And those Places, *Numb. 27. 16.* and *1 Tim. 2.* are equivalent to Promises: a Prayer is as it were a Promise reversed; what is spoken by the Lord in a Promise, being returned, is the strength and confidence of a Prayer. Encouragements also to obey Precepts, imply Promises; so that of *Rom. 13.* and *1 Pet. 2.* our Subjection is required upon this consideration, that Kings are for the praise of them that do well, *Rom. 13. ordained of God to thee* (to the Church, and to every Saint) for good. The Lord in this doth not only promise, but as it were undertake for the Magistrate, that he shall be such an one, as those that are pious and righteous, those that do well, need not dread or fear to be under him. A good Magistrate is a Blessing, and matter of joy and rejoicing to the People of God, *Prov. 29. 2.* *Ecclesi. 10. 17.* a great Fruit and Evidence of his Love to them, *1 King. 10. 9.* and *2 Chron. 2. 11.* *Because the Lord hath loved his People, he hath made thee King over them.* it is so spoken of Solomon.

To the Church.

The Benefit and Good to the Churches and Saints from the Civil Magistrate, may more particularly be judged of in these Considerations.

1. Kings and Princes are an Ordinance of God, or *Medium* by which, in a more special and peculiar way, he communicates his Power, Wisdom and Justice for the governing of all Societies of Men. 1 *Kings* 3. 28. *All Israel feared the King, for they saw that the Wisdom of God was in him, to do Judgment.* So the Power and Justice, and the like Attributes of God, become visible in this Ordinance of God. See *Eccles.* 8. 2. *Numb.* 27. 20. *Prov.* 16. 10. and 21. 1. It is brought as an Argument to Magistrates against Partiality and Bribery; 2 *Chron.* 19. 7. *There is no Iniquity with the Lord our God, nor respects of Persons, nor taking of Gifts.* What is, or is not in God, should be, or not be found in him that is a Magistrate. They are therefore termed *Gods*, because a visible Representation of God's Attributes, is, or ought to be in their Governing. And as Christ is said to be present with those Officers in the Church which he hath appointed, because there is a special Virtue and Efficacy of Christ manifest in their Ministry: So in this great Ordinance of a Magistrate, there is said to be a special Presence of God with him, 2 *Chron.* 19. 6. From the like Manifestation of God, in his Wisdom, Power, Goodness, &c. for the Welfare of Societies.

There is such a Harmony and Neighbourhood between the outward and inward Man, that what works upon the one, affects the other. When therefore the Ministry by Christ's presence works upon a Man's Soul, the Man is of a better Behaviour outwardly, and to Civil Relations: So also being brought into outward Subjection and Conformity, (by Magistracy) the Mind and spiritual part is much the more fitted for *Christian Communion*. Moral Vertues, yea, Civilities are much pressed upon Church-Members every where in the Epistles, as to be *kind, courteous, humble, submissive, self-denying.* Paul spends a whole Chapter in Greetings and Salutes. Men and Women that are *morose, selfish, stiff, opinionative, ill-bred*, such for the most part are burthenfom in all, and as much in these spiritual Societies as in any other.

2. For Protection, Church-Power neither judgeth or restraineth them that are without; it is no Fence nor Security against the World. The only Hedge about this Vineyard, under God, is the Sword of the Civil Magistrate. Saints and Churches, being called and separated out of the World, are hated by the World, and such a Seed of Enmity in them against the Members of Christ,

Christ ; as if there were no higher Power to restrain, being the far greater number, they would utterly root us out.

The Church for Weakness and Helplessness is resembled by a Nurse-Child, or Infant, which needs the Care of those who have more Strength. This religious Care and Tenderness, is, Isa. 9. 16.
or ought to be in the Magistrate, who is termed a Nurse. The Prophet in this Promise hath an Eye to Gospel-Times, and Churches, called together amongst the Gentiles. In an Age when there would be no Prophets or Apostles, or Signs, or Wonders, or mighty Deeds wrought in the behalf of the Church, 2 Cor. 12. 12.
as was in the Jewish Oeconomy, and first Age of Christians. It's promised that Kings and Princes (either by a common or saving Change) shall become nursing Fathers, nourishing and protecting Christ's feeble Orphant the Church. And where 1 Sam. 10. 6. 9.
the Magistrate is such, we ought to pray that all may be such ; 1 Kings 4. 29.
we have the Liberty under them (notwithstanding the World's Enmity) to lead a quiet and peaceable Life, and this not only 1 Kings 4. 22.
in Honesty, but in all Godliness.

3. The Judgments of God, Sword of the Magistrate, and the like external Administrations are helpful to the best of Men, who are liable, while a Body of Sin, to as foul external Acts of Sin, as the worst of Men. The spiritual part in us by these means, helps it self much (in an hour of Temptation especially) against the Flesh, over-ballancing the Pleasures of Sin, from that Shame and Grief Sin brings with it ; so that Self-love, or a higher Principle is hereby strengthened to avert us. Servile Fear (evil only in defect) is good and useful to the best of us, while in a mixed Condition, and not perfect in our Love to God. Job was eminently godly and righteous, yet in both much furthered from the Consideration of Wrath and Judgment. If I have Job 31. 19, 21.
seen (saith he) any perish for want of Cloathing ; If I have lift with 23.
up my Hand against the Fatherless, &c. ver. 23. For Destruction from God was a Terror to me. The Magistrates Ecclesiastical Power had the like effect to restrain Impiety in him, as vers. 26, 27, 28. If I beheld the Sun, and my Heart hath been secretly enticed, or my Mouth hath kissed my Hand : this were an Iniquity to be punished by the Judge. The Apostle Paul though constrained by Love, vers. 14. Such was his Affection to Christ, yet moved also to Duty from the Consideration of Judgment and Terror, 2 Cor. 10. 11.

If it be thus with the best of the Saints, much more will Churches stand in need of such an external Help against Corruptions: There being not only a mixture of Flesh and Spirit, in those that are *Members indeed*; but a mixture with them of Hypocrites, and such as are Members only *in show*.

1 Cor. 5.

1 Cor. 11.

Rom. 13.

We find in the Churches planted by the Apostles, a use not only of Spiritual Censures, but also outward and bodily Afflictions, *Sickness, Weakness, &c.* for Church-Miscarriages; and it's said to be *for the Salvation of their Souls*, Chap. 5. ver. 5. with Chap. 11. ver. 32. So that Severity of the Lord on *Ananias* and *Sapphira*, was for a Church-Fault, and it's said *Verf. 11. Great Fear came upon all the Church*. It was an eminent Church, before whom *Paul* shakes the Magistrate's Sword, and tells them, if they do that which is evil, they have cause to be afraid, *for he beareth not the Sword in vain*.

Afflictions that are from a more immediate Hand of God, either in an ordinary or an extraordinary way, those also that the Lord chastiseth us with by the Hand of the Magistrate, I difference not, each being to the same purpose, and as an external Discipline. For where there are no Magistrates, or negligent ones, God in a providential way, and more immediately judgeth and afflicts Evil-doers; even as where Church-Discipline is wanting or neglected, God himself excommunicates as it were, and gives Men up to Terror and Anguish of Soul, for their evil Deeds.

If we should draw in here Instances from the Jewish Church, and how the Lord disciplined them by the Civil Magistrate, and afflicting the outward Man, there can be nothing more evident than this, an undoubted Usefulness of such Dispensations, even to the Churches of Christ.

2 Chron. 8 14.

And although it should not be a good reasoning, to argue from what Power the Princes of *Israel* exercised in respect of its Extent in Particulars; many of them being *Prophets* as well as Princes; yet the Benefit and Usefulness of such Power may be the same unto us as unto them, both in respect of Terror to Evil-Doers, and Praise to them that do well. Though an Argument from *Circumcision* applied to Infants, will not weigh with some, because they deny *Baptism* to be a Sacrament of that Nature: Yet this cannot be denied by them, that if an Infant be capable of Benefit by an Ordinance it understands not;

Infants

Infants may as lawfully in that respect be baptised while Infants, as they were then *circumcised*. The Arguments brought from Ecclesiastical Power exercised by Magistrates in the Jewish Government, will argue at least that there is a *Capacity* in Men *now* to receive Benefit and Good thereby (even in Spiritual Matters) as they did then; which is all that is aimed at.

4. As it is the Duty of each Person, so of Churches to walk *wisely towards them that are without*, that their Order may be looked upon, not only with *Rejoycing* by Neighbour-Churches, but such as may appear *amiable* and *comely* in the Eyes of all Men. There are many things common to all Societies, which Nature and civil Customs instruct us in, and are especially to be heeded by Churches. For as the things *Moral* and *Lovely* in the Eyes of Men, being neglected by *Professors*, the Gospel will suffer, so much more if by *Churches*. The outward *Beauty* of these Christian Assemblies, consists very much in what is requisite, and comely in all human Societies; as Unity, Love, Peace, brotherly Forbearance, &c. Let all things, saith the Apostle, *be done without murmuring or disputing*. Paul charged the Church of Corinth with this, that there were *Debates*, *Envyings*, *Wrath*, *Strifes*, *Backbitings*, *Whisperings*, *Swearings*, *Fumblings*, and the like amongst them. There may be Wrongs and Oppressions in Churches, as in other Assemblies. Innocent Persons impeached and censured as *Schismaticks*, *Seditious*, and Disturbers of the Peace; and no Remedy but from the Civil Magistrate. Paul appeals from the Church to *Cæsar*, a Secular Prince, expecting from him, though a Heathen, more *Justice*, then from his Brethren, being Parties, and in their own Cause. For where Parties are Judges, the Sentence is passed before the Cause is heard. As a Church may be *offended*; so they may, and oft-times do *give Offence* as well as single Persons. It's part of a Christian Magistrate's Care, and as a *Magistrate*, to punish open Offenders, whether single Persons or Assemblies. And the Truth is, if such Assemblies, that is, Churches, be not under the Magistrates Jurisdiction, they are under none, and will be at a loss in respect of all those Advantages before mentioned.

The *Usefulness* of this Power being declared so fully, it will not be difficult to evince the *Necessity* of it, that is, to the well-being of Churches. For whatsoever thing is useful in Spiritual

Affairs

Affairs, is in the same degree necessary. *I argue thus :*

If the *Ruling* and *Coercive* Power in a Church extends it self no further than its own Members ; if one particular Church cannot *suspend*, *excommunicate*, or exercise any the like Jurisdiction over another ; it will then follow, vvhathsoever benefit or advantage Churches, or their Members, are supposed to have and reap, by being under any *external* Ruling Power here on Earth ; this may, and ought to be expected from the Magistrates Ecclesiastical Power and no other : His being the only Power that is of such an Extention and Compass, as to be over all Persons and Societies within his Dominion,

For the further *Explication* and *Confirming* of what is asserted, I shall lay down some Considerations, and then answer Objections. Purposely enlarging upon this Argument, as tending much to a distinct understanding of Ecclesiastical Jurisdiction, both as it is in *Church* and *Magistrate*.

The Considerations are these.

1. *Consid.*

There is no Power or Authority either in Church or Magistrate that doth *directly* and *immediately* compel or enforce the Soul. Pains, Penalties, Restraints, bodily Punishments ; or what comes nearer, and is more spiritual, as Admonition, Suspension, Excommunication, or the like. When Persons in any of these ways are judged and censured, by the Church or Magistrate, or both ; it hath its Fruit and effect in respect of Morals, only in a more remote and *circular* way, as by working upon the Judgment and Affections ; for there is no created Power can reach the Soul, to put upon it any *immediate* Force or Restraint, further than by applying such means (discovered by the Scripture or Light of Reason) as are apt and suitable to set the Soul and Conscience of a Man, to work upon it self.

We term it *Coercive*, in difference from what is only *directive* and *persuasive* ; for according as the Lord hath appointed means to this or that end, accordingly he works, and so we ought to judge and speak. Now besides means appointed for *Instruction* and *Persuasion*, God also hath added *Discipline* ; a means morally coercive, which hath Pain and Shame, it's a Punishment *ἐπιτιμία*, and for the Destruction of the Flesh, therefore a means morally *Compulsive*, and more than merely persuasive, the Rod
and

and Reproof is more than a single Reproof, it is a *Correction* which is *compulsive*; a *Servant will not be corrected with Words*. To make all but *directive*, is to confound the *Keys*. The Reverend Author should not judge or speak of an Ordinance according to the Reception of a carnal Heart, but according to what is *designed* by the Lord, as his ordinary *Draft* and *Scope* in such an Appointment. There is the Word *read*, Gospel *preached*, and visible *Seals*; we are to judge a greater and more effectual Exhibition of Christ in the one, than in the other, yet all alike to a carnal and unbelieving Soul.

1 Cor. 4. 21.

Prov. 29. 15.

Prov. 29. 19.

Mr. B. in his
first Dispute,
p. 6.

2. There are two great and Catholick *Bodies*, or Kingdoms, *immediately* and *invisibly* governed by the Lord and his Christ: The *World* and the *Church*, made up each of lesser Corporations, as *Cities*, *Families*, particular *Churches*, &c. I say, *invisibly* and *immediately*: for, as God is invisible, so what he acts immediately, he acts invisibly. As the Church is distinguished into visible and invisible, so is the Power by which it is governed. *Invisible* as in a secret and mysterious way, and immediately from the Lord: And thus are all Kingdoms, Nations, Tongues and Languages united as in one, even the great bulk of Mankind; as also the Catholick Church, that great Body of Saints, they are all thus governed by the Lord, and by the Lord alone, and not by Man. *Visible*, as where these great Bodies of Men and Christians, come to be cantoned, parcelled, and formed into Political Bodies, governed by Men, in an *external* and *visible* way.

2. Confid.

Whit. Tract. 3.
c. 6. p. 181.

These visible Bodies are either greater and *containing*, as Empires, Kingdoms, Provinces, &c. Or those that are less, and *contained*, as Cities, Colledges, Parishes, Families, and the like, whether they be Civil or Ecclesiastical. These lesser, though they have the Compleatness of a *Body* or Corporation, each in its kind, and sufficient *Power* to govern it *self*; yet not to govern one *another*. A Church hath not Authority to govern a Church, nor a Family, or the chief in it to govern a Neighbour-Family. The Light in the least *Star* is sufficient for it *self*, but not to rule the Day or the Night, as the *Sun* and *Moon*.

These *lesser* Bodies are therefore so composed in their several Regiments; that many of them together, may lie in the Bosom of a greater Corporation; and it will be for their bet-

ter and more comfortable subsisting and Government.

There is no *external Coercive*, or ruling Power that falls in, and fills up the space betwixt those great and Catholick Bodies the *World* and the *Church*, and those lesser and lowest Regiments and Societies, but what is, or ought to be expected by or from the Civil Magistrate, who is to be acknowledged of his Subjects, whether Ecclesiastical or Civil *under God* to be *over all*.

3. *Consid.*

3. These lesser Societies therefore ordinarily are found under a twofold Regiment or Discipline. The one intrinsecal and *peculiar*, which in Families is received from the Light of *Nature*, and from the Light of *Institution* in Churches. The other more *General* and *Common*: And these lesser Bodies come under it by reason of their *Situation*, being within the Confines of such a Republick, they are under the Jurisdiction of the Princes thereof. *Each Prince*, saith *Mason*, hath Power in *subditor suos ac proinde in Ecclesiam modo subditi sunt Ecclesie*. If situated where there is no formed Common-wealth, King, or Supreme Power over them, they are as a Free-State, each Family, City, and Church, immediately under God and Christ, and no other Power but what it hath in it self; which being a Power not derived from the Magistrate, but peculiar to a Family or Church, remains in them, though no Magistrate. Such was the Family and Church-state in the time of the *Patriarchs* for two thousand Years.

De Episc. lib. 3.
c. 5.

Consid. 4.

2 Kings 19. 15.

As it is a Happiness to a People that live in Empires and Kingdoms, that these are parcels of that World which hath the righteous God to govern it, who is the *King of Kings*, and *Lord of Lords*. So is it likewise to these lesser Bodies, a Family, or a Church, that they are situated under the Wing of a Christian, and well-governed Common-wealth. Where their Governours may be under some Government, and in Wrongs and Disorders, they may have the Benefit of a Magistrate's Authority to appeal unto.

C H A P. V.

1. *The first Objection answered.* 2. *The Government of a particular Church, hath Affinity with that of lesser Bodies, more than with the Government of Empires and Kingdoms.*

Object.

§. 1. **I**T may be objected, that Churches are Spiritual Corporations, and of a more peculiar Consideration, in respect of their Government; and therefore not to be reckoned with Civil, at least not with Families, or such mean and low Societies.

Answer. Policy or Government in it self, and all the sorts of it, is from the Light of Nature, and common Reason. And this is generally supposed by all; that tho the Subject Matter, or Persons governed, be of different kinds; yet the Law and Forms of Government may be the same where so appointed by Christ. And I rather insist on such a way of Discourse and Reasoning, as most suitable to the Subject I am upon, but especially because Subordination of Churches to Churches is argued from the Light of Nature, and in this very Case, termed by our Brethren a Divine Topick. Now if we may argue and guide our selves in Church-Affairs by the Light that shineth forth (from the natural Wisdom and Prudence of Man) in the Government and managing of Kingdoms; there is as much a *Jus Divinum*, and ground of reasoning from the Light that appears in the prudent Constitution and Government of any other civil Society.

I have mentioned in the Considerations, *Cities, Families*, and those lesser, and contained (as I term them) Societies or Corporations with particulars Churches: Because I humbly conceive the Policy and Government of each (tho in other things different) to be more proportionable, and of greater Similitude in many things, then between particular Churches, and those greater, and containing Bodies, Kingdoms, Empires, or the like. Churches thus humbly constituted and governed, are most consistent with Civil Magistracy, of what Form soever the Common-wealth shall be.

In Confirmation of this Agreement or Similitude, I shall take for the most part the Concessions of the learned of each Perswasion. The Instances or Particulars are these.

§. 2. 1. Families tho contained under the National Government where they are sinuated, yet are intrusted with a ruling and governing Power compleat and sufficient each in and for it self ; so are particular Churches.

i. *They are intrusted with a Government each for it self.*

Perk. on Rev.
2. 10.

It is not sufficient (saith Mr. Perkins) for a Church to have the preaching of the Word, but Church-Government. This Church (speaking of Thyatira) is blamed because she did not use the Authority God had given her. There is given to the Ministers of each particular Congregation, according to Episcopal Ordination established by our Law, not only a Power to preach, &c. [Take Authority to preach the Word of God] but they are made Rectors, Governours in those particular Churches, and it's said to them, [*Whose Sins thou dost remit, they are remitted; and whose Sins thou dost retain, they are retained*] by which Words the Keys of Discipline are given them; see *Bilson Perpet. Govern.* p. 213.

Reduct. of E-
piss. p. 2.

'By Order of the Church of England (saith Bishop Usher) all Presbyters are charged to administer the Doctrine and Sacraments, and the Discipline of Christ as the Lord hath commanded, and as this Realm hath received the same. And that they might the better understand what the Lord hath commanded therein, the Exhortation of St. Paul to the Elders of the Church of Ephesus is appointed to be read unto them at the time of their Ordination: Take heed to your selves, and to all the Flock among whom the Holy Ghost hath made you Overseers, to * rule the Congregation of God, which he hath purchased with his Blood.

* mutually so
taken in Mat.
2. 6. and Rev.
12. 5. and 19.
15.

Ho. Eccl. Pol.
lib. 3. Sect. 1.

'Mr. Hooker tells us that for Preservation of Christianity there is not any thing more needfull than that such as are of the visible Church have mutual Fellowship and Society one with another. In which Consideration the Catholick Church is divided into a number of distinct Societies, every of which is termed a Church within it self, not an Assembly, but a Society, — A Church (as we are now to understand it) is a Society, that is, a number of Men belonging to some Christian-Fellowship, the Place and Limits whereof are certain, having communion in the publick Exercise of such Duties as are mentioned, *Acts* 2. 47. As those of the Mystical Church by their inward Graces differ from all others which are not of the Body, and those that are of the visible Body of the Church, have the Notes of external Profession. Even so these several Societies, or Churches, have

' Properties

* Properties belonging to them, as they are publick Christian Societies. And of such Properties, it may not be denied that one of the very chiefest is Ecclesiastical Policy. We use the name of Policy rather than Government, because Church-Policy containeth both Government, and also whatsoever besides belongeth to the ordering of the publick Affairs of the Church of God. In which words he asserts not each particular Church to have Government in it self; but this Government as a Property, or Propriety, by which it's distinguished from the Mystical, as also the Catholick visible Church. So that he doth not, as some of late, make the Catholick visible Church the first Subject of the Keys; but each particular Society, or Church, supposing that great Body of Christians to be only and immediately under the Spiritual Government of Christ Jesus.

2. *Compleat and sufficient.*

It is not to be understood of such a perfection, as may not with much advantage receive help both from the Power of the Magistrate, as I have shewed before, as also from the Counsel and Advice of other Churches: But I mean an essential Compleatness or Sufficiency, not being deficient in any material requisite for Government. This that learned Author expresseth in those last Words: *'We use the Word Policy, (saith he) rather than Government, because Church-Policy containeth both Government, and also whatever besides belongeth to the ordering of the Affairs of the Church of God. Every particular Church, (saith Mr. Cartwright) having an Eldership, is a Catholick Church of Christ, under whom Pastors, Doctors, and Elders are the ministerial and immediate Governors. In which Words he intimateth a Compleatness in each particular Church for Government and Privileges, as much as if the Catholick visible Church were Organical, and a governing Church. 'The Power of Jurisdiction (saith one) is as perfect and compleat in one single Congregation, as in a Provincial, as in a National, yea, as in the Catholick visible Body. All Things are yours, saith Paul to a particular Church. 2 Cor. 3. To this purpose Mr. Parker: Sicut non pars, &c. At a particular Church is not a maimed or half, but a whole and perfect Body; so it is possessed with the whole and entire Church-Government, and not with a part only.*

This Oeconomick and Domestick Power is intrinsick and essential to a Family, and is a Power derived immediately from the

Against which
Right, lib 3. pag.
147.

Rutherf. Due
Right on Pres-
by. pag. 307.

Parker's Politi-
lib 3. cap. 13.

2d Instance.

Lord

Lord, by the Light of Nature, and hath not its original from any Power on Earth, Families being much more ancient than Common-Wealths: So Government or Discipline is intrinsic and inseparable from the very Essence of a Church, received immediately from Christ, and not the Grant or Constitution of any Secular Prince or State. *Churches are endued (saith Dr. Jackson) with a Judicature immediately derived from Christ, and independent upon any Earthly Power, or any Power whatsoever on Earth, whether Spiritual or Temporal.* Bishop Bilson expresseth it thus: *The Things comprised in the Church, and by God himself commanded to the Church, (these Things are specified in pag. 227. to be the Word, Sacraments, and Use of the Keys, or Ecclesiastical Power, and Cure of Souls) are subject to no mortal Creature, Pope, nor Prince.* And those of another Persuasion, are to the same purpose. *'The Church (saith Mr. Rutherford) hath the Keys from Christ, equally independent upon any mortal Man, in Discipline as in Doctrine. A Power and Right to Discipline, saith the same Author, is a Property essential to a Church, and is not removed from it, till God remove the Candlestick, and the Church cease to be a visible Church. Potestas ipsa de jure, &c. Power (saith Dr. Ames) is so much the Right of a Church, as it cannot be separated, because necessary, and immediately floweth even from the Essence of each true Church.* There are Authorities enow to be produced from the Writings of the Learned, for the confirmation of this particular. All grant there is a Government *jure divino*, (I speak not of this or that Form) and by the appointment of Jesus Christ. It is denied by none but *Erastus*, and those that follow him, who may as well deny Praying, Preaching, or Sacraments *jure divino*. It is as expressly ordained, that Discipline be exercised in the Name of Christ, as to preach, pray, or baptize in his Name. There are certainly *Things of God*, that are not the *Things of Caesar*: And if those Things upon which Christ hath put his Name, be not peculiarly his, I know not where we shall find the Joint. As we say, there were Families, so particular Churches, before any Commonwealths were, and Christian Churches and Discipline exercised, many Years before any Emperors or Kings were Christian: And therefore as Families have many Privileges so peculiar, and by the Law of Nature so much theirs, as are never touched or infringed by the Supreme Power of any Nation: So likewise it is with Churches, they

Jackson of the Church, c. p. 8. § 5.

Bilson of Suprem. p. 171.

Peaseable Plea, p. 300.

Due Right of Presbyt. c. p. 9. § 9.

Cas. con. lib. 4. cap. 14. p. 4.

they have very many Privileges so evidently theirs, from the Law of Christ, and their spiritual Constitution, as Christian Magistrates will do their utmost to preserve and cherish, and not in the least infringe. It is a part of *Magna Charta*: *Concessimus Deo, & hac presenti Charta confirmavimus, pro nobis & Hereditibus nostris in perpetuum, quod Ecclesia Anglicana libera sit, & habeat omnia jura sua integra, & Libertates suas illasas.* And it is mentioned in the Oath our Kings take at their Coronation, that *He shall keep and maintain the Lawful Rights and Liberties of the Holy Church.* 3 Hen. 3. cap. 1.

A third Particular, or Instance of what we have supposed in the former Considerations, is this: The lesser Corporations, Cities, Families, and the like, have not Authority or Jurisdiction one over another. It is the same with Churches, each having the Fountain and Original of their own Power (as before is shewed) immediatly proceeding from Christ in themselves, and not elsewhere, or one from another; cannot by any Art or Device of Man be made to rise up above it self, as it doth, if one Church exerciseth a Power or Jurisdiction over another. There is no Invention of Man, that by contriving Pipes, or any other Artifice, can make Water freely and naturally run higher than the Spring-Head. Tho that Jurisdiction which hath its rise in a particular Church, be pumped up into a *Classis* or Synod, it is but the same it was before. Synods, saith Parker out of Chamier, *nullam habeant Auctoritatem, &c.* They have no Authority but what is derived from particular Churches. So Voetius. 3d Inst. m. c.

There seems to be a great Emphasis in those Particles of Propriety, *Children obey your Parents, γονεῦσιν ὑμῶν*; so to Servants: And speaking of the Relation of Husbands and Wives, by which is set forth our Obedience to Christ and his Officers, it is more appropriate, *Ephes. 5. 24. As the Church is subject to Christ, so let the Wives be to their own Husbands*; it is, *τοῖς ἰδίοις ἀνδράσιν, propriis viris*, not only theirs, but their own Husbands. It is said, *1 Tim. 3. 4. One that ruleth well his own House, τῷ ἰδίῳ οἴκῳ.* So of Ministers, *Know them that labour among you, ἐν ὑμῖν, and are over you in the Lord, 1 Thess. 5. 12. and in Heb. 13. 17. it is πρῶτοι υἱοὶ υἱῶν, Duces vestri, your Captains, Officers in Churches, being as exactly limited, as in an Army. There is no Power in a Superior to command, where no Obligation upon the Inferior to obey. And therefore the Lord seems by these Expressions,* Polit. lib. 3. cap. 13 § 9. Disp. de Polit. Eccles. p. 5. 1 phev. 6. 1.

to limit both Church and Family-Power within their own Walls.

This is the Judgment of the Learned of each Persuasion. Bishop Davenant. *Nota est Jurisconsultorum regula, &c.* It is a known Rule of Lawyers, A Sentence given by him that is not his Judg, is void in Law. But particular Churches are not the Judges of private Persons that are of other Churches, how much less then over the Churches themselves; such Sentences were to be slighted and contemned, as of a Judg that presumeth to make Laws out of the bounds of his own Jurisdiction. *Nec*

De judice cont. *poteſt, nec debet* (saith the same Author elsewhere) *particularis una Ecclesia judiciaria auctoritate aliam sibi non subiectam a Catholicis abscondere, quolibet enim Ecclesia filios suos ad consensionem in Doctrina publice stabilita censuris adigit. Sed fratres Ecclesiarum externarum monet pro officio charitatis, non punit pro imperio potestatis.*
cap. 16. p. 90.

Of the Church
lib 5.

Dr. Field, as a common Resolution of Divines, tells us, *That if a Bishop ventures to do any Act of Jurisdiction out of his own Diocese, (that is, his particular Church, so cap. 30.) as to excommunicate or absolve, or the like, all such Acts are utterly void, and of no force.* The same thing, saith Dr. Crakanthorp, *cont. Spal. cap. 28. pag.*

Jus divinum
Regum. p. 230.

177. 'Every Congregation (say our Brethren) hath equal Power one as much as another, according to the trite and known Axiom, *Par in parem non habet imperium*, An Equal hath

Disp. de Polit.
Eccles. p. 3.

'no Power over an Equal. *Ecclesie institute parochiales integre sunt, inter se collaterales, & potestate Ecclesiastica aequales*, saith Voetius. Which you may English out of the English Puritanism thus: 'Particular Churches are in all Matters equal, and are

Cap. 2. §. 3.

'entrusted by Christ with the same Ecclesiastical Power and Authority. Jewel, Reynolds, Whitaker, and most of our Divines, against the Papists, are large in their Disputes for a parity of Churches, and Mr. Parker hath written a whole Chapter *de paritate Ecclesiarum*.

De Polit lib 22
cap. 21.

Some make a particular Church to be of larger Extension, as a Diocese, a Province, &c. but that altereth not the State of the Question.

A DIGRESSION.

1. *Of Independentism, Name and Thing.* 2. *Its consistency with the Kings Supremacy.*

THis State of a particular Church, namely, their equality in respect of Jurisdiction or coercive Power one over another, was wont to be expressed by INDEPENDENCY, which though now it be a term of Reproach, yet formerly made use of by good Authors, as very fit and significant, to set forth this Privilege of each particular Church compleat and intire : namely, their not Dependency or Subjection, to the Jurisdiction of another Church, as their Head and Superior.

Dr. Jackson in his learned Treatise of the Church, useth this term frequently, "Unity (saith he in one place) of Discipline, or of INDEPENDENT Judicature, is essential and necessary to the Church, as visible. Hence there be as many distinct visible Churches, as there be INDEPENDENT Judicatures Ecclesiastick." Dr. Sibbs thus, "Particular visible Churches are now God's Tabernacle. The Church of the Jews was a National Church, but now God hath erected particular Tabernacles. Every particular Church under one Pastor is the Church of God, a several Church INDEPENDENT. The Church of England (saith the same Author) is called a particular Church from other Nations, because it is under a Government Civil, which is not dependent on any other Foreign Prince. Each Church, saith Voetius, as it hath its proper Form of an Ecclesiastical Body or Society, so its endued with its proper Government and Jurisdiction; which it exerciseth DEPENDENTLY upon Christ, in Word and Spirit, but INDEPENDENTLY in respect of all other Churches." Mr. Bates, "One Company of Men assembled, hath no Authority to impose things upon many Churches. 1. None now have Apostolick Authority. 2. Each Congregation is a Body INDEPENDENT of any Ecclesiastical Power. "There is no Ordinance of God for this, (saith Mr. Bates) "that Churches within a circuit should be tyed to a certain Head-Church for Government, pag. 8. and pag. 13. We affirm that

Cap. 15.

Cap. 119.

Gospel-annot-
ings, pag. 94.

Desp. Cav.

Pap. lib. 3.

S. 3. c. 4.

Treatise prin-

ted Anno

1613.

A Collection
of sundry
matters, An-
no 1601.

Confession of
Faith, p.
Anno 1601.

Sermon at
Lambeth, p. 5.

" no such Head-Church was ordained either virtually, or actual-
ly, but that all Churches were single Congregations, equal,
" INDEPENDENT each of other in regard of Subjection.
Every true Church (saith one) now is an INDEPENDENT Con-
gregation; and in another place, The Congregational Body Politick
spiritually INDEPENDENT, is Christ's Divine Ordinance in the
Gospel. " One ordinary Congregation of Christians, is a spiri-
tual Body Politick INDEPENDENT. That is, it hath the
" Right and Power of spiritual Administration and Government
in it self, and over it self, by the common and free consent of
the People, INDEPENDENTLY and immediately under
" Christ.

This was the Opinion generally of N. Conformists, as is ob-
served by one of themselves in the Name of the rest, as also by
B. Downham, " They (that is the N. C.) say, that every Parish
" by Right, hath sufficient Authority within it self, immediate-
ly derived from Christ, for the Government of it self in all
" Causes Ecclesiastical. To the Parishional Presbytery consisting
" of their Parish-Bishop and his Elders, they do ascribe that suf-
ficient, immediate, and independent Authority for Ecclesiastical
" Government for every proper visible Church.

That *Independency* of Churches was asserted (by those learned
men of a former Age) in relation only to a superior Church-
power properly *spiritual*, and such as is claimed *jure divino*; and
not in relation to that Ecclesiastical Power which is in, or exerci-
sed from, the Civil Magistrate. Some of them have thus describ-
ed a particular Church; It's a *Body Politick spiritually indepen-*
dent, or *independent* in relation to a *spiritual* Superiority: which
is expressed fully, by him that wrote *Church-Government with*
the Peoples consent, pag. 115. " Though we affirm the Church-
Government is *independent*, and immediately derived from
" Christ; yet we affirm also, that the Civil Magistrate is even
" therein (that is, in Ecclesiastical Matters) Supreme Governor
" civilly. And though nothing may be imposed on the Christian
" Churches against their Will, by any *spiritual* Authority (for
" so only we intend) yet we affirm withall, that the Civil Ma-
" gistrate may impose on them spiritual Matters, by Civil
" Power, yea, whether they like or dislike, if it be good in
" his Eyes, that is, if he judge it within his Commission from
" God.

And

And such an *Independency* hath been pleaded for also, and argued by them to be much more *consistent* with His Majesties Supremacy, than a *DEPENDENCY* or *Subordination* of Churches, to any Spiritual Power. And it was their professed Judgments, That no External Power ought to be exercised in spiritual Matters, any where (within that space betwixt a particular Congregation instituted by Christ, and the Catholick Visible Church) by any person but the Civil Magistrate, or by his Appointment.

Take their own Words. *They that make claim Jure Divino, of Power and Jurisdiction to meddle with other Churches, than that one Congregation of which they are Members, do usurp upon the Supremacy of the Civil Magistrate, who alone hath, and ought to have a power of Jurisdiction over the several Congregations in his Dominions, &c.* A Protestation of the King's Supremacy made and published in Anno 1605. §.27. and in §.28. "The King himself is to be General Overseer of all the Churches within his Dominions, and ought to employ under him, fit persons to oversee the Churches in their several Divisions, visiting them, and punishing whatsoever is amiss in any of them.

Mr. Bradshaw in the *Unreasonableness of Separation*, against Johnson, writes thus: *It's their principal Honour (speaking of Archbishops and Bishops) to be Commissioners and Visitors in Causes Ecclesiastical under the King, over the Pastors and Churches of Provinces and Diocesses.* In his Answer to Johnson's first Reason: And in his Answer to his second. He questions him thus: 1. "Whether the Supreme Magistrate hath not Power to oversee and govern all the several Churches within his Dominion, yea, whether he be not bound so to do. 2. Whether for his further help and assistance herein, he may not make choice of grave, learned, and reverent men, to assist him in the same Government. 3. Whether by vertue of his Power these persons thus called, to assist the Supreme Magistrate, may not lawfully try the Gifts of Ministers within his Dominions, convent them before them, examine how they have behaved themselves in their places, and punish the blame-worthy.

In a Petition also to King James for Tolleration, "That your Highness would afford us, and assign to us some persons qualified with Wisdom, Learning and Vertue, to be under your High-

"Highness our Overseers, for our more peaceable orderly and
 "dutiful carriage of our selves, both in our worshipping God,
 "and in all other our Affairs, at your pleasure. To whom with
 "all Readiness and Subjection we are willing to be accomptable
 "and answerable, always.

The opinions of learned men about Church Matters (Government especially) were collected together, in a Treatise which was put into *Latin* by Dr. Ames, and in an Epistle of his prefixed, avouched by him (who was a man much studied in those Controversies) to be the Judgment of *Cartwright, Fenner, Fulk, Whitaker, Rainolds, Perkins, Brightman*, and those that were more Ancient : As *Wickliff, Tyndal, Rogers, Bradford, Gilby, Fox, Moore, Dearing, Noel, Greenham, Dogmatici ista, &c.* These Tenents (saith he) were either their Principles, or so conjunct with them, as not to be denied, theirs. *Christ Jesus* (saith the Author) *hath not subjected any Church or Congregation of his to any other Superior Ecclesiastical Jurisdiction, than unto that which is within it self — the Civil Magistrate alone upon Earth, hath power to punish a whole Church or Congregation,* Cap. 2. §. 3. and more fully in §. 12. "They hold and believe (saith he) that "the Equality in Ecclesiastical Jurisdiction and Authority, of "Churches and Church Ministers, is no more derogatory and repugnant to the State and Glory of a Monarch, than the parity "or equality of *School-masters* of several Schools, or *Masters* of "several Families. Yea, they hold the clean contrary, that *Inequality* of Churches and Church Officers in Ecclesiastical Jurisdiction and Authority, was that principally that advanced "Antichrist unto his Throne, and brought the Kings and Princes "of the Earth unto such vassalage under him. And that the "Civil Authority, and Glory of Secular Princes and States, hath "ever decayed and withered, the more that Ecclesiastical Officers "of the Church, have been advanced and set up in Authority "beyond the limits and confines, that Christ in his Word hath "prescribed unto them. And in Cap. 6. §. 6. They are said to deny a principal part of the *Kings Supremacy*, that hold any Jurisdiction or Offices over Churches *jure divino*, and not by the will and pleasure of the King and Civil States of the Realm.

And from what is said, cap. 5. §. 12. It is evident that this way is as little prejudicial to the Subjects Liberty: For its expressly there said, *If any Member of a Congregation being under a*

crime,

crime, shall of himself forsake Communion with the Church, that then the Ecclesiastical Officers, have no authority, or jurisdiction over him, but only the Civil Magistrate, Parents, or Masters, &c. So that as persons are free (otherwise than from conscience of duty) to joyn with these Assemblies, so also to leave them, remaining always under the Magistrates Ecclesiastical power and care.

I have made this Digression, not only for the matters sake, which is very sutable to our present Subject, but also to vindicate the Congregational way. 1. That it is not such a Novelty as is pretended. This of the equality of Churches, and thence an *Interdependency* (from which we are reproachfully surnamed) seems to be the worst of our Tenents: Yet it appears to be no other, but what the reverend and learned of a former age have asserted. Nor do I know any other of their opinions or practices, but may as easily be remonstrated, to be the assertions of those holy men. Nor secondly, inconsistent with civil Magistracy, or with their Power in Ecclesiastical Affairs. And as a further Testimony hercof, they take the Oaths both of *Allegiance* and *Supremacy*. Professedly assent also to "All the Articles of Religion" which concern only the Confession of the true Christian Faith, "and the Doctrin of the Sacraments, comprised in a Book entitled, *Articles whereupon it was agreed by the Arch-bishops and Bishops of both Provinces, and the whole Clergy in the Convocation Anno 1562. for the avoiding of diversity of Opinions, and for the establishing of consent touching true Religion*, as is required by Stat. 13 Eliz. cap. 12. And do humbly hope, living peaceably under his Majesties Government, they shall obtain their share in that Indulgence his Majesty graciously purposed to shew to such persons, as through want of full satisfaction, differ in smaller matters from the present Establishment.

A fourth Particular, which ariseth from the former, is this. Families being not subordinate one to another, they cannot associate or unite into any large or great Body; and therefore do, and may more conveniently retain their Government (though it be *peculiar* and *distinct*) in any Common-wealth, of what form soever, without prejudice to the Peace and Welfare of it. So is it with Churches, their State and Government (as it is appointed by Christ) is such, as is consistent with, and no prejudice unto any civil Powers under whom they are situated. And that upon

upon this account principally: Having no *Dependency* in Respect of Power or Jurisdiction one on another, they cannot in their own Sphere enlarge themselves by Subordinations, to a political Body of any such Extension and Greatness, as may render their Obedience or Compliance more doubtful or uncertain. It is matter of Jealousie with Princes and States, when there is in their Dominions a Body, large and extensive, firmly joyned and compact in it self, of an interest peculiar and not holding of them. Particular Churches are of a small compass, sometimes comprehended in *One*, ordinarily but of a few Families. So that in this respect, though their Interest and Government be peculiar, they may retain it, and for substance the same (as Families do) throughout the World. Which will further appear in the following Considerations.

1. It is granted on all hands, That the Lord hath limited his Church to a Government which is perpetual, and for substance to be the same in all places. As also that the Nations, from their Civil Government variously, and as they judge most prudent.

2. Since the *Wall of partition* by Christs Death was broken down: The Gospel and Christian Churches were by Christs commission to be planted in all parts of the World. It stands therefore with common reason, that the Church Government Christ hath left us, is of that Nature, as without any substantial Alteration may comply with, and not be prejudicial to, any Civil Government.

3. If particular Churches by Union become one body, for extension as large as the Civil State, There will hardly be a due and peaceable accord, and each enjoy its privilege and Liberties without prejudice to the other; unless these two great bodies be moulded and formed one with respect unto the other. The policy therefore of the *Nation* and the *National Church* of the *Jewes*, were both respectively formed by the Lord himself.

4. Hence this opinion of *States-men*, that there is no form of Church Government left by Christ, or his Apostles; but to be moulded by the wisdom and discretion of Christian Magistrates, as *may best sute and joynt in* with the Civil Government. And of *others* the contrary, "The Commonwealth (saith one) must be made to agree with the Church, and the Government, thereof with her Government: for as the *House* is before the
Hangings,

" *Hangings*, therefore the Hangings which came after, must be framed to the House which was before: so the Church being before there was any *Commonwealth*, and the Commonwealth coming after, must be fashioned and made suitable to the Church: We need none of these extreams. The middle way is this, Let not the Churches claim to be National or Provincial *Jure divino*, but leave such dispositions to the civil Magistrate, and be numbred with those lesser Societies, Families, Cities, Colledges, &c. For these do retain in themselves much the same form of Government and Freedom therein throughout the World.

5. It is not so much a different Form of Government: For in each Republick there are contained lesser Societies of all Forms; but their *Extention* and *Potency* in numerousness of Persons, by which they are made up. Nor from this Principallity, but the nature of their *Union* and *Incorporation* begets the Jealousies. If particular Churches become *Diocesan*, *Provincial*, or *National* by Union from the Law, or Direction of the Civil Magistrate, for the better exercise of that Ecclesiastical Jurisdiction, the Lord hath intrusted him with, and *conveniency* of such persons as he shall appoint to inspect the Churches; in such a case the Greatness of Churches cannot be disturbent to the Civil Government, being so directly under its cognizance. *The Commonwealth* (saith one) containeth all the Holy Commonwealth, R. B. p. 2.220.
 people in a whole Nation or more, united in one Sovereign, but particular Churches (distinct from the universal united in Christ) have no general Ecclesiastical Officers, in whom a Nation must Unite as one Church. How then become they to be termed a National Church? Ans. As several Corporations in one Kingdom, or as so many Schools that have a peculiar form of Government, but such only as is under (and united in) the Magistrates Government in its kind. If this should be claimed as the Law or Privilege of each Family, that the Governors, be it the Father, or Husband, or Master, are thereby invested by Nature with the same Power, in respect to all Families in a Nation; and by several Correspondencies and Subordinations raise, and Unite themselves at last into a general Assembly or Representative. And by Vertue of that *Economical* Authority give Laws to the whole Nation, though not as their Subjects; yet to the same persons under another notion, that is, as *Wives*, *Children*, *Servants*. There is no well Governed State could entertain such a spreading interest as this, without great doubt.

doubtfulness, lest their Authority and Supremacy, should hereby be much Eclipse'd.

6. But a particular Church consisting only of a few persons in it self, and independent on others; is necessitated to depend, under God, upon the Magistrate for protection. Which if they should not obtain, but be oppos'd and persecuted; yet have no ability to resist, being as a Family single and alone, not able to defend it self or molest others. Nor if they were able, is it lawful for a Church to compel by the *Sword*, more than the Magistrate may by the *Keyes*, or what is peculiar to the sacred Function. *Uzza* err'd in the latter, and *Peter* in the former. The primitive rule and practice was this, being persecuted in one City to fly into another, and pray that their flight may not be in the Winter. No nor do we judg that these spiritual weapons (the *Keyes* or Censures) may lawfully by a Church, or any Ecclesiastical Assembly be threatned, or drawn forth against a whole Nation, and the chief Governors thereof, to urge or compel, especially in State concernment (as the *Pope* and some others have done) though it be truly in ordine ad spiritualia.

2 Chron. 26.
Matth. 16. 19.
with 24, 25.
Matth. 10. 23.
24. 20.

The 5. Instance.

The fifth Instance or particular is this. A Family of all Corporations or Societies, is the lowest species or kind, it's *Consociatio simplex & prima*, and hath the least of pomp or state in the Government of it. Cottages are built low, Palaces with many stories one above another. Those great and extensive Bodies *Empires* and *Kingdoms*, represent in their Government more adequately the mystical Church, in respect to Jesus Christ who is their King and Lawgiver, whose Kingdom is with Power and Glory, a Power that is truly Imperial and Princely, having Officers under him (his Kingdom reaching to the utmost ends of the Earth) who in his name command reward, and punish. But Particular Churches as Governed by his Ministers, have their proportion rather with the meanest and lowest Societies of men.

The Scripture seems to point at more than a similitude and likeness betwixt a Family and Church, in the managing of affairs; I mean in the general, and what is it not determined by express Institution. *Paul* speaking to *Timothy* about Church affairs, mentioneth their expertness in Governing a Family, as a good preparative or qualification for Church administrations, And this is not only Negatively, if a man know not how to rule his own house, how shall he take care over the Church of God. But affirmatively,

1 Tim. 3. 5.

firmatively, *These things I writ, that thou mayest know how thou oughtest to behave thy self in the house of God, which is the Church of the living God.* The sence is full in those words, *the Church of the living God*, yet it is added *the house of God*, purposed as it were to carry the Eye back to what was written, *ver. 5.* which sheweth that there is a great affinity betwixt our Houses and the Household of God. *In a Fathers Governing his Children* (saith one) *there is a lively resemblance of such Duties of Government, which he is to dispencc towards the Church. There is nothing enjoyed, the Minister as a Father of Children, which belongeth not to him as he is a spiritual Father of the Children of God.* *verf. 15.*

On the other hand, it may be observed, this question being amongst the Apostles, who or *which of us shall be the greatest in the Kingdom of Heaven* upon supposition (the Church being termed a Kingdom) there would be places of State, and higher dignity in it, as are in the Kingdoms of the World. Christ Answers: *There shall be no such thing, no primacy in one Apostle over another, no, the greatest of you shall be the least, and the first shall be the last.* Though a Jurisdiction and power truly Imperial, absolute, and equal to any of the *Kings of the Gentiles*, belongs to me, and I exercise it in those spiritual administrations, yet no such dignity may be assumed by you, *οὐκ ἐξ ἐντος.* *Luke 22. 25.* *Matth. 18. 1:*

1. When the Scripture speaks of a particular Church under the notion of a *Family* or Household, Government or *Ruling* is mentioned as that wherein the similitude or proportion is most perspicuous and clear, as hath been shewed: But speaking here of a Church under this expression, *a Kingdom*, how purposely are we cautioned against an imitation in Rule and Authority?

2. We may further observe that Ambition after greatness in those that manage these *great things*, is an infirmity almost unavoidable. For if 1. Such persons, the holiest men on the earth, they who had *forsaken all to follow Christ.* 2. And these so often relapse into this folly after they had been reduced from it by Christ. 3. And at such times, immediately after Christ had minded them of his Death, and that *one of them should betray him*, when also they had newly been at the Communion with him: What great cause is there that every man be very jealous of his own heart? *Hof. 8. 12:*
1 Pet. 1. 4.

3. It is not unevident also from the Disciples often Disputes about their greatness; that most of our controversies and con-

Matth. 20. 19,
20.
Luke 22. 21,
24. & 19.
with 24.

tentions about Church-Government, if traced home, will be found to arise from hence, namely: The having our Eye fixed so much upon the *lofty* state of a *Kingdom* as our pattern in such managements, rather than that familiar and *humble* way of a *Family*. For indeed this was the only breach and contest that we read of, amongst those holy Men, the Disciples of Christ.

4. And where such differences are, a Reconciliation will be found more difficult, because where the mind is bent on worldly greatness, we are very dull and slow in understanding whatsoever shall be spoken (though from Christ himself) that seems to cross those thoughts; as appears also in that story, *Mark* 9. 32.

A Parent or Master would not easily have been tempted into such an Error, or make this question, *who* or which of us shall be the greatest? that is, have a paternal power over other Parents and their Families, &c. And had the Disciples looked upon Ministerial power under so low and humble a notion as what is *Economical*, *James* and *John* would never have thought it congruous, that they should have an Apostolical power over the other Apostles, *Hoc Papatum sefellit*, &c. (saith *Cartw.*) This deceived the *Papacy*, which governs throughout after the form of worldly * *Empires*. The Pope be is as the Emperor himself, the Cardinals as his *Deligates* or *Representative*, the Arch-Bishops as the Governors of *Provinces*, &c. Hence *John* calls the Church of Rome, the Image of the Beast, the Vizard of the Roman Empire.

* Plurimorum
consensu Eccle-
sia. à repub.
formam illam
magna parte
mutata est
Ecclesiæ.

For further confirmation of this fifth particular or Instance, let it be considered, how seldom and sparingly a particular Church in the N. T. is termed a *Kingdom*. Although 1. Its Government be derived as a Branch of Christ's *Kingly* Office. 2. Church Ordinances are the most effectual means by which he exerciseth his spiritual *Sovereignty* in each man's soul. 3. His *Mystical Kingdom* on earth, thus by parcels, comes to be wholly under an external spiritual regiment, and 4. His Church when National was managed in the *Glory* and *State* of a *Kingdom*. Yet notwithstanding all these leading occasions, how sparingly, and not without special Caution is a particular Church thus termed? Whereas not only the *Society*, but the Government, Officers, Ordinances, Censures, and other Church matters, are universally and frequently delivered unto us by Christ and his Apostles, in terms apt to mind us of this low and humble policy. To give some Instances thereof.

1. A particular Church or the Society it self, is represented unto us as the *House of the living God*, 1 Tim. 3. *His Household*, Matth. 24. 45. over which he hath set *Rulers* (therefore to be understood of a particular Church, for the universal is immediately under the rule of Christ.) A *Brotherhood*, 1 Pet. 2. 17. and the Members of it *Brethren and Sisters* (as the *Pastors Fathers*) 2 Cor. 7. 15. Jam. 2. 15. 1 Tim. 5. 2. and it is given as a title of Dignity, 1 Cor. 5. 11. Ephes. 4. 21. Rom. 16. 1, 23. 1 Pet. 5. 12. yea to the *Poor* as well as to the *Rich*, and to those of *low* as *high* degree, Jam. 1. 9.

2. Church Ordinances as 1. By *teaching* and admonishing the *Word* is said to dwell amongst them in all Wisdom *dominio inquit* compared with Matth. 24. 45. The *faithful and wise Ruler* of Christs Household is to give them meat in due season. It is a description of a *Pastors* duty, who is hereby admonished to feed with knowledge, and to be much in it, that the Family may be richly and plentifully, and not sparingly, niggardly fed. The *Word dwelling*, is the Household Bread or Food, which by the *Stewards* or *Ministers* is to be rightly divided, 2 Tim. 2. 15. and respectively dispensed as *milk* to the *Babes* in the Family, and *strong meat* to others, Heb. 5. 13, 14. 1 Cor. 3. 2. 2. The *Sacrament* an Ordinance peculiar to this Society, it's represented unto us as the *Supper of the Lord*, a Spiritual repast of *Bread and Wine*. It came in the place of a Family Ordinance the *Passover*, and so termed: Churches being now become Gods Family, and the Lords *Supper*, their *Feast*, 1 Cor. 5. 8. but most to our purpose, are such expressions as set forth the *Governours* and *Discipline* appointed to a particular Church.

3. The *Officers* are as the *Stewards and Servants* in this Household, and so termed not in relation to *Christ* only, who is the *Lord*, but to the *Church* his Family. Christ abates of the over-high expectations of his Disciples, by telling them that those who are the chiefest amongst them, ought to be even as *Servants* in the House, that attend at the Table, Luky 22. 26, 27. There were those in *Corinth* raised much above their level (whom *Paul* personates in himself and *Apollo* and *Cephas*) even equal with Christ, as having the Fountain of their excellency in themselves, and communicated unto others of their own (as great *Princes* and *Benefactors*) like Christ: this being *Lordly* and *Princely*, *Paul* tells them, they *reigned like Kings*. To reduce from

Col. 3. 16.

1 Cor. 4. 5.
Rom. 16. 1.1 Cor. 1. 12,
13.
with 4. 6.1 Cor. 4. 7, &c.
ver. 8.

this exorbitant height to a just ballance, *Paul* sets down the rate they may value themselves, 1 Cor. 4. 1. *Let a man so account of us, as of the Ministers of Christ, Stewards of the Mysteries of God.*

4. *Discipline and Censures*, the *Keyes* that open and shut; this expression hath its reference to a House or City most properly. And in the first place, particularly the Censure of Excommunication, which is as the purging out of the old leaven, 1 Cor. 5. 7, 13. this was done by a careful and diligent search into every corner of the house. So the Excommunicate person, like *Cain*, is cast out of the Family, and droven from the presence of God. With such a one *not to eat*, is all one with holding him as a *Heathen and Publican*. This Censure is termed *a Rod*, *passo*, as the Correction of our Children is termed *misericordia* Discipline, see *Beza*. The Apostles being Spiritual Parents, threaten the Rod, that is to censure in a Discipline way, cap. 13. 1. *In the mouth of two or three Witnesses*, &c. compared with *Matth. 18*. And then *vers. 2*. *If I come again I will not spare*, which is the same with 1 Cor. 4. 21. *Shall I come with a Rod?*

Exod. 12.

Eph. 6. 9.

2 Cor. 12. 14.

The 6 Instance.

*Prop. to the
Gen. Assm.
1647.*

The sixth Instance: As the Government of a Family is low and humble, so it is carried on in the most familiar and affectionate way; there is an intimacy, and daily converse with our Governours. *Instruction* and *Correction* are much sweetned from that Fatherly care and Affection, we have experienced in other dealings. It is thus with Churches; though the Power there exercised, be some way coercive, yet brotherly, and submitted unto with much Reverence, being administred by those we love, honour, and depend upon, as Spiritual Fathers. *Ecclesiastical Power* (saith our Brethren of Scotland) *is indeed furnished with Authority, yet that Authority is rather the Fatherly, than the Kingly Authority.*

We have said that neither the censures of the Church, nor of civil Magistrate, *morally* work upon us further than we work upon our selves. Yet there is this difference, the weapons of the one being carnal, affect the senses, and by them the mind coming in upon it more suddenly and strongly. *Sense* and *Appetite* have now a broad, ready, and more direct way to the Soul than *Reason*. But Church-censures touch us not, or very little in any Bodily concernment. So that nothing comes in upon us any way, but what we our selves are willing to let in. It is a great advantage therefore, and much to our Edification, that the persons who deal with us in such a way

a way, be first let into us, that is, much in our affections and good opinion, and having entertained the persons, their ministrations will the easier be let in with them, and so we come to be *taken by Craft*, as it were, (as the Apostle expresseth it) 2 Cor. 16. that is, we are induced by a sweet and attractive Bait, to take our selves. *The Persons therefore that are over us in the Lord, being such as we intimately know, and daily converse with, such as our selves have chosen to be our spiritual Fathers, such also as we have experienced their goodness and tenderness in other Gospel-Administrations: we more easily subject to their Rebukes and Censures, as coming from the same Affection. The Ruling power in a Family, is you know by those that are intimately known, and greatly oblige, as Parents who daily care and provide for us for present and to come, and therefore though they correct us, yea, sometimes in Passion, yet *we give them reverence*, Hebr. 12. 9. Censures in Churches, or Church-Chastisements, are therefore or ought to be from those that instruct and give us our portion in spiritual Comforts: the Rulers of Christ's Household gives them *their meat in due season. We exhorted and comforted*, (saith the Apostle) *and charged every one of them, as a Father doth his Children.* Paul can charge them, and with greater Authority, even in their own hearts who have had experience, how in a Fatherly way, he *Exhorts, Comforts, and Travels* as it were in Birth with them. The Apostle urgeth Obedience and Submission upon such a Consideration; *Obeys them that have Rule over you, and submit yourselves; for they watch for your Souls, as they that must give an account.* That is, there is an intimate and affectionate relation between them and you, being such, as Fast, and Pray, and Mourn, and Rejoyce, yea, Eat and Drink with you daily at the same Table of the Lord, and are intrusted with the Care of your Souls from the hand of Christ. Mat. 24. 45.
1 Thess. 2. 11.
Hebr. 13. 7.

This cannot be where the Pastoral or Ministerial Work is divided, and the Keys of the Church hung apart. Those that instruct us not, nay, are *Strangers to us, Rule over us*; Rebukes and Chastisements in this spiritual way, are from those whose Faces we never saw, or know so much as by name. It's true, we may argue thus, They are strangers, expect no favour therefore, or mercy from them, if you offend: this procures Obedience indeed, but it is in a servile way. The mind of Christ is, that as our Submission to himself, so to his Ministers (who even in Censures
act

act in his Name) be affectionate, filial, and drawn by the cords of love.

Thus have I gone through with the Instances promised, with what brevity the nature of the matter would permit. By which it is not intended to parallel these Societies in respect to the intrinsic Form of Government peculiar to each : (for that, in a Church is from the Institution of Christ, rather than the light of Nature) but the more general state and habitude of Ecclesiastical Government as Churches stand disposed to the Civil Magistrate, or one to another, and what the light of Nature and common Reason contribute hereunto, being so much insisted upon. What hath been said, I hope tends to Union and Accommodation. Those that hold any spiritual Government Jure Divino, and by the appointment of Jesus Christ, do not deny it to a particular Church : And those that hold none, yet are at a lesser distance from such who claim so little.

C A P. VI.

A second Objection. Of the Jurisdiction over Particular Churches in Synods, Ecclesiastical Courts, &c. §. 1. as exercised with us. §. 2. and in other places.

Objct. 2. *T*Here are Synods, Consistories, Colloquies, and other Ecclesiastical Courts, which exercise an Authority in spiritual matters over Churches : Therefore that of the Magistrate before mentioned, is not so necessary.

Ans. It is humbly denied, and asserted, That these greater Assemblies, a Synod, Classis, Colloquie, and the like, either have no such coactive Jurisdiction, as we mentioned, or are dependent upon the Civil Magistrate for it. This we shall shew, by declaring more fully what Ecclesiastical Power is exercised by Synods, or such Courts. 1. *In this Kingdom.* 2. *In other Reformed Churches.*

The Ecclesiastical Courts in this Kingdom are of two sorts :

1. There are, we know, Spiritual Courts, (so termed) such as the Prerogative, the Archer, Court of Faculties, the Archdeacons and Commissaries Courts : These claim only from the Civil Powers, as was shewed before. In the Statute of 37 Hen. 8. c. 17: it is declared, *That the Archbishops, Bishops, Archdeacons, and other Ecclesiastical Persons, have no manner of Ecclesiastical Jurisdiction, but by, from, and under the King's Royal Majesty.* By the Statute also

of

of 1 Edw. 6. c. 2. *All Courts Ecclesiastical within the Realms of England and Ireland, ought to be kept by no other Power or Authority either Foreign or within the Realm, but by the Authority of His most Excellent Majesty.* And it was further Enacted, *That all their Process shall issue out under the King's Seal, and His Name and Style, &c.* but since repealed. Dr. Cosens, in his learned Defence of them, and their Proceedings, asserts thus: *They are* (saith he) *warranted by the Statute and Canon Law of this Nation; professing also, that there were Reason enough against those Ecclesiastical Proceedings, if they were not claimed from the Crown, but from some other Authority immediately, as the Popish Clergy did theirs from, by the means and direction of the Pope.* Apol. Part 1. Cap. 1.

2. Our Convocation or General Synod, which makes Laws and Canons about matters that are more spiritual. This is an ancient Court, and hath formerly been in *it self* of great Authority in Ecclesiastical Regulations; it's not so now, but *dependent* upon the Civil Magistrate, for whatsoever Jurisdiction or Coercive Power there exercised, which will appear in these Particulars.

1. There are no *Laws* or *Canons* made by the Bishops, and others of the Clergy in the Convocation, that oblige under any Penalty, without the Stipulation and Assent of the Civil Magistrate, be it either in matters of Faith or Discipline. The 39 Articles and Canons about them, concluded upon by the Synod in Anno 1562. engaged no man under any Penalty in our Law to believe, profess, or subscribe, until they had an Assent or Establishment by the Civil Powers. Nor can they proceed against any Crime, as *Heresie*, *Apostasie*, or gross Enormity in Doctrine, but what our Laws declare to be such. *Nihil habet vim legis priusquam Regius assensus fuerit adhibitus, iis qua Synodus decernenda censuerit. Cons. Polit. T. 1. d.*

And for matters of *Discipline* and *Worship*, it appears by the Letters Patent, Copies whereof are annexed to the Canons published in Anno 1603, and 1640. That 1. All power to *met*, *confer*, *treat*, *debate*, and *agree upon any matter for common good*, is from such Licence, Power and Authority as is granted to the *Archbishops*, *Bishops*, *Chancellors*, and other *Members* of the Convocation from His Majesty of His special Grace, and by virtue of His Prerogative Royal and Supreme Authority in Ecclesiastical Causes. And 2. the Synod having treated of, concluded and agreed upon *Canons*, *Orders*, &c. To the end and purpose by His Majesty limited and prescribed unto them, they are to offer and present the same to His Majesty in writing: He, upon mature consideration taken thereupon, may allow,

- The Licence
to the Convoc.
in Anno 1640.

low, approve, confirm, and ratifie, or otherwise disallow, annihilate, and make void such, and so many of the said Canons, Orders, &c. as he shall think fit, requisite, or convenient. And none of those Canons, &c. shall be of any force, effect, or validity in Law, but only such, and so many of them, and after such time as His Majesty by His Letters Patents shall approve and confirm the same.

The Civil Magistrate may suspend for what time he shall please, yea, wholly deprive any Bishop or Bishops from their Office and Place in this Synod, who are the chiefest Members thereof. He may Commissionate also by Writ *, what other Persons He shall please to sit in Convocation with them. And if occasion be, He may likewise wholly constitute another Synod, and nominate each particular Person of what Quality and of what Number of His Natives as He shall please, and give them like Authority in Ecclesiastical matters. So was that Synod of the 32. appointed (by Hen. 8. and afterwards by Edw. 6.) to do the work of a Synod, and present a Body of Ecclesiastical Canons for Confirmation by the Magistrate.

3. These Laws, saith * Cook, are termed *Regie Leges Ecclesiasticae*, and another such Ecclesiastical Laws as now are in force, are called the King's Ecclesiastical Laws, for that now all Jurisdiction, whether it be Temporal or Ecclesiastical, is the Kings. And if there be any thing difficult or doubtful in these Laws, the Interpretation is ultimately to be given in the Civil Judicatures. So Cook's *Instir.* pag. 4. cap. 74. To the King also is the last Appeal to be made, and Delegates appointed by Him, give final Determination in Controversies, after adjudged by those Laws and Canons in any, yea, the highest of those Ecclesiastical Courts. *Ultima Appellatio fit ad Principem & non extra Regnum*, saith Dr. Cosen, and tells us it is a Jurisdiction *Coronae Regiae de Jure debita*.

4. The King's Majesty may dispense with any of those Canons or Ecclesiastical Laws, indulge the Omission of what is enjoined by them, make void the Crime, and remove the Penalty incurred by breach of them, yea, and give Faculty to do or practise otherwise, any Synodical Establishment or long usage to the contrary notwithstanding, in what offends not the Holy Scripture and Laws of God.

5. The King may exempt Persons and Societies from the Jurisdiction of the Ordinary or Bishop, or any else who are to execute these Canons. This my Lord Coke asserts, and as a Privilege annexed

annexed to the Crown. He gives many Instances of: such *Dispensations* in several Kings Reigns, both ancient, and of later times. For doubtless what Power He grants, and is exercised under Him, may be re-assumed by Him. And Priviledge, even whole Parishes if he please, from *Episcopal* or *Synodical* Jurisdiction, and such Parishes are said to be *Regie Majestati immediate subdita*: Mocket, *de Ecclesiastica Ang. Pol. pag. 294.* And many Parishes to this day, stand thus exempted, by the favour and grant of Princes formerly. The *Dutch* and *French* Churches in several Parts of this Kingdom, by Patent from *Edw. 6.* were exempted from the then Establishment, and exercised a *Discipline*, and Forms of *Worship*, according to their own Perswasion, our Synod and Ecclesiastical Courts having, by vertue of this Exemption, nothing to do with their Ministers or Churches; which Priviledge hath been confirmed to them by our Kings that Reigned since, and are enjoined to this day, His Majesty that now is, by His Prerogative in Ecclesiastical Matters, notwithstanding the present Form of Worship and Ceremonies, Graciously indulged Tender Consciences a *Forbearance* in what they were not satisfied, and to practise otherwise, *Declaration of October, 1660.*

6. There is no matter or thing appertaining to Religion, or first Table-Duties, or so intimate and properly spiritual, which a Synod or Convocation hath Cognisance of, and may make Laws and Canons about: But the like things have been established by the Civil Powers (more than sometimes for Advice) without it, as will abundantly appear in the many Statutes and Laws of former and later Times, as against *Swearing*, *Perjury*, *Sabbath-breaking*, &c. That one instance, the *Liturgy*, and ordering *Bishops*, *Priests* and *Deacons*, the many Rubricks in each of those Books, are so many Canons and Ecclesiastical Constitutions, inasmuch as some have termed the Parliaments of *England* Synods, or Representatives of the Church of *England*; observing also, that in the King's Writ, by which a Parliament is called, there is expressly committed unto them the Considerations of what concerneth the Church as the *Kingdom of England.*

There hath been also *Injunctions*, *Declarations*, *Advertisements*, *Proclamations*, and the like Edicts published in Ecclesiastical Matters,

ters, from time to time by our Princes, without calling or advising with a Synod: And Obedience hath been required unto those *Precepts*, by the Ordinary in each Diocese, as well as to the *Canons* and Ecclesiastical Laws made by Synods.

The Dependency therefore of Synods and Convocations upon the Civil Magistrate, according to the Constitution and Practice here in *England*, is very great and apparent: For,

I. They can make no Canon, or Ecclesiastical Law, without the Civil Magistrate, but he can and may without them.

*His Majesty's
Licence to the
Convocation,
May 12. 1640.*

II. None of their Laws, though ever so Ancient, but may be revoked by a Parliament; but the Rubricks, or Ecclesiastical Laws established by it, may not be meddled with by the Convocation.

I shall conclude with *B. Bilson*, who seems to state the Nature and Occasion of Synods, as they are in this Kingdom, very fully, and indeed much as they ought to be wheresoever they are called; his words are these:

*D. Bill. Per.
Gov. cap. 16.
p. 383.*

“ With us no Synods may assemble without the Prince’s Warrant, as well to meet as to consult of any matter touching the state of this Realm: And why? They be no Court *separate* from the Prince, nor *superior* to the Prince, but subjected in all things to the Prince, and appointed by the Laws of God and man, in Truth and Godliness, to *assist* and *direct* the Prince when and where they shall be called to assemble; otherwise they have no power of themselves to make *Decrees*, when there is a Christian Magistrate, neither may they challenge the judicial hearing or ending of Ecclesiastical Controversies *without* or against the Prince’s liking.

It appears evidently hereby, that in the Judgment of the Learned Author, Synods, in their Nature and Use, are not for Rule and Government, where there is a Christian Magistrate; or otherwise than as Assistants only to counsel and advise Him.

The

THE Synods in *other Reformed Churches* claim a *coercive Jurisdiction*, from an *intrinsic* right received immediately from Jesus Christ, as Ministers of the Gospel. There being no express Scriptures to uphold this Assertion, and the light of Nature and common reason being supposed sufficient to create a *jus divinum*. The Authors of this persuasion argue thus.

"In all Kingdoms and Republicks, if wrong be done by inferior Courts, we may have right by appealing to a Court superior in Authority; there ought therefore to be such an order in Churches, that is, a Classis, Synod, &c. That there may be regular Appeals in like Cases. And further they argue, if it be not so, when whole Churches or their Consistories transgress, there is no ordinary Remedy. The Provision Christ hath made for Government in his Church will be found defective: For though there be a Remedy for particular persons; yet for a Church offending, there is none, if there be not a superior Church or Ecclesiastical Power to appeal unto.

Leaving wholly what they pretend from Scriptures: I shall examine this only their Reasoning from common light, it being more suitable to our present subject; and in the general say.

1. In the Mysteries of the Gospel (from which by their own concessions, Church-communion and Discipline is not to be excluded any more than Preaching or the Sacraments) It is very unsafe to make the dim Eye of Reason our Guide. Of what advantage such suppositions have been, in producing *Arminianism*, *Socinianism*, *Platonism*, &c. but especially of the many gross Errors and loathsome Superstitions in Popish Worship: we cannot be ignorant.

2. An Appeal (as understood in this dispute, and ordinarily by *Civilians*) is a *provocation to a superior Tribunal, upon the error or wrong done by an Inferior*. Such an Appeal is not essential to Government, unless we can suppose a *progressus in infinitum*: Nor is there a defect in that Government where it cannot be had. Some Societies are 1. So *low* and little in compass, as they need not such Appeals. A Family is a complete Society or Corporation, though there be not a Superior in the same kind, that is, an Economical power to appeal unto; so may a Church be, though not a Superior in a *series*, properly Spiritual or Ecclesiastical. 2. Others so *High*. If there be an Error or Wrong done in or by a general Assembly or National Synod, (supposed in the ex-

Discip. of Scot. lib. 2. c. 11. also Ait. of G. Assemb. before the Consist. of Faith.

Jus divinum regimini, cap. 3.

Jus D. regim. cap. 1.

Assembly Dispute p. 114.

Rutherf. peaceable Plea, cap. 15.

Assertion of the Gover. of Scot. by G. Gillespie, part 2. cap. 4.

Ans. 1.

Ans. 2.

Argued by the
commissioners
of Scotland,
Anno 41.

p. 1, 2, 9.

Also their De-
claration a-
gainst a Cross
Petition. P. 10.

Answ. 3.

ercise of power of greatest perfection) we have no remedy, no Superior to appeal unto; therefore they term their Church or General Assembly an *Independent*. If it be said, as it is by some, we may appeal from it to an *Oecumenical Council*. *Answ.* These great Councils have erred, and may, and what then is the Remedy, or further Provision? To what Ecclesiastical Tribunal Superior can we appeal from them?

To answer more particularly: This Reasoning being grounded upon a Similitude betwixt the Ministerial Government of Christ, and the Political Government of Kingdoms, we say there is not *Par ratio*, and therefore no just consequence. The Disparity will appear in divers Particulars.

I.
Disparity.

Videtur axioma communiter acceptum inter probos Religiosos Appellationis vocem audiendam non esse, Suar. de virt. Tom. 4. pag. 99.

In their Natures, as *Civil* and *Religious* Assemblies. In this the Difference is so great as *Councils*, *Schoolmen*, and *Casuits*, who all grant Appeals in Civil Affairs: yet in Ecclesiastical Matters the ordinary use of them is so constantly and generally denied, as it is an Axiom, saith One, *That in Religious Causes, the Voice of Appealing is not to be heard or mentioned.* And in the same Chapter he gives us the Reasons of it in these words: *Si in ordinariis correctionibus quæ juxta disciplinam religiosam sunt, locum haberet Appellatio à Priore ad Provincialem, & à Provinciali ad Generalem; magna sequeretur perturbatio, & disciplina religiosa sine dubio corrumpere, &c.* "In ordinary Censures, and such as are according to a Religious Discipline, if Appeals should be made from the Prior to the Provincial, and from the Provincial to the General, it would breed a great Disturbance, and be doubtless the Ruine of Religious Discipline: For, 1. Inferiour Governours would quickly be despised, and have little Reverence or Fear. 2. By such a dilatory way, opportunity will be given by Friends, or under-hand working, to prevent any Religious Discipline. It is therefore expedient for the good of Religion, that there be a more simple way of procedure in these spiritual Corrections, and that it be without any kind of Appellation: Thus far *Suarez*. And others of them also tell us, That in a *voluntary* and *brotherly Society*, it's more comely and honourable to end Offences and Differences in a private and peaceable way, amongst themselves, and within the Society, than by clamorous Appeals, to make Matters more publick. It should not be of little weight also with us, the Tenderness of Christ, if it be considered, and how he would not have Breaches and Offences amongst Brethren

*Soto de Justa
lib. 54. 6. art.*

to be made more publick, or carried further than is necessary. And by any thing we find in the Text, there is no Necessity we should carry Matters for Censure, out of the Church where the Offence is; if there were, doubtless Christ would have given us direction as well for the managing of Appeals FROM a Church, as IN a Church, *Mat. 18. 15, 16, 17.* where each step and circumstance, in the progress from a lesser to a greater Authority, is described.

From the different condition of *Punishments* in respect to Relief, if unjustly inflicted. Church-Censures have little operation on us, further than our own Conscience and the Spirit of Christ make them effectual, by working them in upon us: But if inflicted where no just Cause, and *Clave errante*, the Spirit of Christ will not convince us of Sin, or let in Satan's Terrors, nor any such impressions of Grief or Shame as much to afflict us being innocent. How little hath the *Pope's Bulls*, or such Thundrings from *Rome*, been valued or esteemed; or Excommunications sent out of our *Spiritual Courts*, when we know it is but for a *Four-penny Offence*? In Civil Affairs it is much otherwise: For, be the Sentence just or unjust, the Execution of it is equally grievous, and a punishment, be it in respect of Life, Liberty, or Estate; and there is no way either to avoid or mitigate such wrongs, but by Appeals: The necessity of such Appeals therefore is very great, but in respect to Ecclesiastical Censures, little or nothing at all.

The ordinary end and use of Appeals, is either, 1. For Relief of Persons suffering: Or, 2. That corrupt Judges be censured, and unjust Sentences rescinded. Persons come to be relieved, when by Appeals to Higher Powers there is a better understanding, either 1. in the Rule and Law; or, 2. a more righteous judgment in matters of Fact. There are none of these Ends or Uses of an Appeal so accomplishable in an Ecclesiastical Process, as in a Civil.

1. If the Rule be obscure, a right understanding of it may infallibly be had by appealing in Civil Affairs; the Supreme Court is here on Earth, that made the Rule or Law; what's determined by a Parliament, or such Persons as are intrusted by it to this purpose, is to us unquestionable.

But it's otherwise in Church Affairs, our Law-giver is in Heaven, and cannot in such a forensical way be appealed unto, nor hath he left any Vicar or Visible Judge under him, of greater Authority,

II.
Disparity.

III.
Disparity.

ty, in respect of Infallibility, than a particular Church, *which is*
 1 Tim. 3. 15. *the ground and pillar of truth.* The *Papists*, some of them in great
 and weighty matters (not otherwise) that are spiritual, yield
 Appeals; but it's upon this Supposition, that the Cause, at last,
 will be brought to a Tribunal that is Infallible, *Licetum est* (saith
 Aragon, in 2. P. de Aragon) *in re grave cuique causam suam deferre ad sedem*
 2. q. 69. 4. 3. *Apostolicam; quando vel ex imperitia, vel ex Passione inferiorum judi-*
 D. 1b. *cium qui homines sunt ac decipi possunt, injuriam patitur:* The Pope
 cannot be deceived, he is more than a Man.

2. Matters of Fact, by reason of Appeals, come to be sentenced
 at a great distance from the place where the Crime and Of-
 fence lieth, which in Worldly Concernments may with more
 Righteousness be done, than in what is Spiritual, and of Church
 Cognizance.

1. Transgressions come under a Civil Judgment, as materially
 considered, and according to the gross Act, but brought to the
 Church, not as *Sins* simple, but as *Scandals* and Offences, which
 is a Consideration not so obvious, but requires good judgment in
 the *Witnesses*, as well as in the Judges. The *Obstinacy* also, or
Penitency of the Person offending, accordingly as Testimony shall
 be given of either, is a more difficult matter to make out, than
 either the *Sin* it self, or the *Scandal*. Repentance, Godly Sor-
 row, or the contrary, is the principal thing to be regarded in
 Church-process. Repentance, I say, in truth and sincerity, so far
 as we can judge in (a seeing and not blind) charity. It is not
 only the Passion, Sorrow, or Shame, but *Godly Sorrow*, which is
 more spiritual, and deeper in the heart, and requireth much and
 particular knowledge of the Person, and his temper, and such as
 cannot be attained at a distance, but by frequent and familiar Con-
 verse. To sit in the Stool of Repentance, stand in a White Sheet,
 or do *Penance*, (as it's termed) these are (as *the fruits of the*
flesh) manifest, and judged of at the greatest distance, it's not so
 deep, as we need much *understanding to draw it out.*

Prov. 20. 5.

2. The Censure, whether binding or loosing, is to be executed
 always by the particular Church where the Offender is a Member;
 those persons, above all others, are to have a particular knowledge
 of his Crime and true Repentance; they are *to forgive, and con-*
 2 Cor. 2. 7. *firm their love, or otherwise, to withdraw from him.* If *THY*
 Mat. 18. 15, 17 *Brother offend thee, let him be unto THEE an Heaiben, &c.* The
Execution of the Censure being by each Brother of that Church,

it

it is necessary the *Examination* of the matter be before them. Spiritual Duties are not to be performed upon an *implicit* Faith. What knowledge, but by remote heresay, can a Church in the *Orchades* have of a mans repentance or obstinacy, the ultimate tryal and cognizance whereof, is taken by a Synod at *Edenburgh*. Civil censures are for Satisfaction of the whole Nation, and not the Parish or Borough only where the crime was committed: but in a Church-censure, the particular Assembly being only, and no other Congregation, or person morally *leavened*, and charged with the offence, are principally, and in the first place concerned, to have satisfaction of the repentance and submission of the person offending: For by this means only their *Lump* or Church, becomes again *unleavened*.

4. The other *End* (before mentioned) and *Use* of Appeals is, that our *Judges* and their *Sentence* be censured and judged by superior Tribunals. To which proceeding, the Judges in Civil Judicatures are liable; but there is not the like Subordination in Churches for these Reasons.

1. All the Power and Authority placed in their Inferior Courts, is no other but the influx of the supream Civil Powers, to whom we always make our last Appeal, and therefore proper to them, to *suspend* Actings, nay utterly to *destroy* in part or in whole, what Jurisdiction is derived from them, as appears in the Constitution of all Kingdoms: But it is not so here a particular Church. The Court we are to Appeal from, hath not its Being or Jurisdiction, from a *Classis* or Synod; * these rather derive their Power from it, being *Representatives* only, as our Brethren have formerly written. Particular Churches, they term *Ecclesia prima*; and Synods *Ecclesia oria*. Again, if Synods (as they grant) exercise over Churches a Power only *cumulative*, not *destructive*: How can they Excommunicate a Church, seeing Excommunication renders a Society as *Heathens* and *Publicans*, which is to unchurch them, as Mr. *Rutherford* rightly affirms.

2. Although whole Churches may be punished for male Administration by the Civil Magistrate, yet may not an Ecclesiastical Power merely such, do the like, for to destroy or save whole Societies, for the Evil of a major part, or a few persons, is the prerogative of the Lord himself, which he communicates also in some cases to Civil Magistrates, his *Deputies*, but in no case to Churches; it being an Authority high and Princely, and not at

4 Disparity.

Unaquaq; res per quascunq; res nascitur per eandem dissolvitur.

* *Ecclesia Parochialis est Ecclesia vera essentialiter & integraliter absq; ulla correspondenti vel Synodo.* *Vott. de Syn. pag. 13.*

Parker de Polit. Eccles. lib. 3. cap. 13. It is an authoritative unchurching of an obnoxious Church we plead for. Ruth. peaceable Plea, cap. 15. p. 223, and p. 222. Excommunication is an authoritative unchurching.

all

Brotherly Communion, c. 9.
p. 102.

Assemb. disputes
pag. 180.

Excommunicatio ejusque denuntiatio post appellationem legitimam iuram, est nulla.
Nardus p. 53.
col. 2.

all futable to such as have only a Ministry, and not a Dominion. Bishop Davenant tells us, That a Censure is not to be drawn on the whole Body of the Church; for as the Laws forbid to Excommunicate a Society or Corporation, because it may happen, that those that are innocent may be intangled in the censure: So Right and Religion forbids to exclude whole Churches from the Communion of the Faithful, because this cannot be done without an injury and contempt to many that be innocent. What ever formerly of this same unchurching power in Synods hath been asserted, yet since upon further debate we are told; this same Excommunicating of whole Churches is a thing not known in the Presbyterian Government, and not the Churches, but particular persons in the Churches are censured. But how can we say single persons only are to be censured, and not the whole Church? Whenas we know the contending parties of what condition soever, are both equally liable to the Censure of the Judge. Now when matters are brought by Appeal to a superior Court, the Court Appealed from, is a Party; and in this respect upon no higher terms than the *pars appellans*, though a single person.

But grant it be so, and that the object of a Censure from a Synod be only particular members. Then, 1. Churches cannot have such a remedy as in Civil States; for Appeals of this Nature are not to be made to any, but persons invested with such a power, as may suspend, or make void in part, or in whole, the power of that Court by whom the wrong hath been done and Appealed from, as hath been shewed.

2. If there be no Power in a Synod, of such a proportion superior to a Church, as to censure it by Excommunication or Suspension at least: Then will the Members of this Church, by admitting such Appeals, be necessarily under a twofold Jurisdiction not subordinate, which tends to the greatest confusion imaginable: For if the Synod and the Church in their Light and Apprehensions vary about the condition of an Offender, one of them may in Conscience be bound to justify whom the other condemns.

3. There is no supply of a supposed Defect, or Addition of what was not before, for if their superior powers Excommunicate particular Members only and not the whole Church: This is nothing more than each particular Church hath power to do. And it is as much an Ordinance of Christ, where two or three, that

that is a lesser number are gathered together, as where a greater; a Censure by the Church at *Keneria*, is as much a Censure, as if by *Corinth*. If a Quarter Sessions Execute a man, its as much a Judicial deal, as if judged by the Assize, *Kings-Bench* or *Parliament*. The reason is obvious, its the Law that judges him, not this or that Judicature: So it is the Law and appointment of Christ that Excommunicates, not this or that Presbytery, greater or less, and this Law is the same to all.

We come now to the other part of the Argument, drawn from the light of Nature, *If Appeals be not, there will be a defect in Christ's Government; Persons are left without remedy, for wrongs done by whole Churches.*

I answer with *Suarez* in the same case, *Argumentum est* (saith *De virtute* Tom. 4. p. 99. he) *ab specie ad genus negativum, defensio est genus & latius patet quam appellatio. Potest enim ad superiorem recurrere per simplicem querelam vel per modum supplicationis, &c. quod est sufficiens remedium diversum appellatione & multo magis decens religiosum statum.* "It is an Argument from the Species to the Genus, there are other ways of defence. We may have recourse to a Superior by simple Complaint, or by way of Supplication; which is a sufficient remedy, and divers from an Appellation, and much more becoming the state of Religion; thus that Author. More particularly, we therefore Answer.

1. *There may be a sufficient defence or remedy, though not by Appeals.*
2. *There may be Appeals, though not in such a way.*

1. For the first, this Address or *Rekursus* to others Superior or equal, is not for the putting forth any Act of Jurisdiction or Compulsion: Such persons interpose by way of Intreaty, Persuasion, Pleading the Cause of the wronged, Reproving, Threatning, or in such way, as a single Pastor may deal with any of his people. Thus *Paul* often, in a difference between *Philemon* and *Onesimus*, *Philem.* vers. 10. *I beseech thee for Onesimus, Phil. 4. 2, 3. I beseech Evodias and Syntyche: It was upon some breach in the Church, 1 Cor. 1. 10. Now I beseech you Brethren that there be no Division.* This interposition of the Apostle with the *Corinths*, was upon the desire of the House of *Cloe* ver. 11. There may also be more earnest Pleadings, Reasonings, Rebukes; yea openly, and before others. The Apostles were equal in Authority, yet *Paul* did not only Reason and Plead with *Peter*, but Rebuke and Reprove him publicly, and before others.

Act. 15. 39.

thers. And in his dealing with *Barnabas*, *Paul's* spirit did rise higher, and yet no Power or Jurisdiction exercised; or might be by one Apostle over another.

If Synods be applyed unto, only for Counsel and advice in differences and difficult cases, it is a *provision* not to be despised. Scripture-light in an instruction or reproof is cogent, by what hand soever administred, but more especially when in the way of an Ordinance or Appointment of Christ. As are Pastors, and Synods; though intrusted with a *Declarative* Authority only.

1 Cor. 5.

Let it be consider'd how the greatest reformation made in the Hearts and Lives of men and women, is ordinarily by the application of the Word of God in the Ordinance of Preaching; which is the Instruction, Reproofs, &c. of a single Minister, who hath not power to Excommunicate such as despise his Doctrine. *Faith comes by Hearing*, not by Discipline. Until they be judged, believers they are *without*. If this means, or such a Doctrinal Application by a single Minister, be sufficient to make such Reformation upon single persons, and those that as yet own not Christ, or have Conscience of an Ordinance, why should we not expect the like fruit where many Ministers are Synodically gathered for the Reformation of whole Churches, (persons professing to understand and reverence so solemn an Ordinance of Christ) though there be no coercive Power intrusted with it, to enforce Submission.

Receptum est in Gallia ab Ecclesiasticis posse provocari ad ad curias supremas Parliamentorum P. Gr. Tholof. l. 50. c. 2. §. 36. Ruther. Dne Right cap. 6. §. 5. pag. 396.

2. There may be Appeals, though not in the same Series, but to a Tribunal extrinsecal, and not merely Spiritual: as when we appeal to the Civil Magistrate, or such as are appointed by him over Ecclesiastical matters. For 1. if the King in his Laws, and the Church in their Synodical Canons, command and forbid one and the same things, as is asserted. And 2. if the persons commanded stand as much in a Civil Relation to their Prince, being Subjects, as they do in a spiritual Relation to the Church, as Members. Doubtless the Christian Magistrate having a Supremacy in Ecclesiastical matters as in Civil, and (especially) being assisted by the Council and Advice of Synods, is a sufficient and effectual means to reform the miscarriages of particular Churches, if appealed unto.

The truth is, though Churches were threatned, or struck with the highest censures (being merely Spiritual) and from a National Synod the highest Throne: Were it not from foresight, that if such Discipline be despised, the Magistrates Sword, by some Cor-
poral

poral punishment will second it, there would be little fear or dread of those Synodical censures. And if so, as it is apparent to the most in a National or Provincial Church as ordinarily constituted, it is no otherwise. Common Reason will direct us rather to go *immediatly* by *Appeals* to the Civil Magistrate, or his Delegates, than in such a compass, as to drive the cause from a Consistory to a Classis, from thence to a Provincial Synod, and after that to a National Assembly; and when all this is done, there is little to any purpose done, if not seconded by a *secular arm*. Hence our learned Brethren formerly admitted no other Appeals of this nature, but to the Civil Magistrate, as we have fully shewed in the former *Digression*: To which we add what is by that Author further said. " If the Brethren or Officers in a Church be per-verse, and will not hearken to Reason, they (that are wrong-Cap. 2.ed) are to crave the assistance of the Civil Magistrate, who alone hath Power, and who ought by the Civil Sword and Authority, procure to all Members of the Church, Governors or others, freedom from all manifest injuries and wrongs. The manner how the Civil Magistrate is to proceed in Church-causes, is there also described to us in the words following; " Though the Civil Magistrate cannot absolve the Excommunicate person, &c. or take away this power from the Church, yet when they or any of them shall apparently abuse the same, he is bound by the Law of God, and by virtue of his Office grounded upon the same, to punish them severely for it, and to force them by Civil Mulcts to rectify, &c.

THUS I have done with that first Consideration, upon the account whereof the *Usefulness* and *Necessity* of the Civil Magistrates Ecclesiastical power is affirmed: Which is, in respect to the well-being of *Churches*. There is another consideration remaining now likewise to be prosecuted, shewing the like necessity of this Power, in respect and relation to the well-being of the *Commonwealth*. The *Knowledge* and *true Worship* of God, and the means hereof the *word* of God, is a national gift. *He hath given his Law to Jacob — he hath not dealt so with other Nations*. It was true then, for *Israel* had this privilege as a peculiar; but now it is otherwise. And where the Lord is so bountiful to a Nation, thus to give the means of Life and Salvation, it is a *Depositum* Governors must account for. The whole Nation becomes peaceable, prosperous

Psal. 147.

*Daven. de ju-
du cont. ca. 16.
p. 91.*

or otherwise, according as the matters of God and his Worship, are more or less Religiously attended by the Governors and People thereof. This Consideration is urged by Bishop *Davenant* to this purpose, *Regis potestas judiciaria se extendit ad ea omnia sancienda quæ rem publicam florentem conservant atq; ad ea tollenda*, &c. "The Kings Legislative power extends to the establishing of whatsoever may preserve a Commonwealth in a flourishing State, and the taking away of all such things as may prejudice or ruine it. But the Religious Worship of God is granted of all, even of the very Heathens; as of concernment to the well-being of the Republick, and the neglect of it to the eversion of it. The careful and orderly management of Religious affairs, being a special means and way to make the Republick prosperous, the care whereof lieth upon the Magistrate: It is necessary that he both judge of, and put forth his Authority, in the procuring and preserving such a means or conducement, the further prosecution of this second Argument, together with other particulars, requisite to the resolving this *Case*, I shall leave to a second *Part* of this Discourse, in which, after the clearing and vindicating the former part of the Oath as lawfully to be taken: The two great doubts arising from the latter part of it, shall more largely be insisted upon. The words are these: *I shall to my Power Assist and Defend all Jurisdictions — belonging to the Kings Highness — or united to the Crown*, &c.

The Doubts hereupon are,

Jer. 4. 2.

1. The Jurisdiction, Priviledges, &c. granted and united to the Imperial Crown, are unknown unto us, and some of them Controverted: How can we swear in judgment? *Answ.* Though there be not a distinct knowledge in respect of each particular, yet an Oath may be taken in Judgment, and how.

2. There are some *Jurisdictions*, *Priviledges*, &c. in Spiritual matters granted and united to the Crown, the lawfulness whereof are scrupled; and we may possibly believe they do not belong to the Civil Magistrate, How can we swear to assist and defend him in such, and *Swear in Righteousness*? *Answ.* In a Fedracy, or Allegiance, to assist and defend another, against a common Enemy, if the things be just and lawful in *His* opinion, though doubted of, or thought otherwise in *ours*: It is no unrighteousness in us to give assistance according to our Oath. These Resolutions and Assertions I doubt not, will be made evident, in what is to follow, and be the other part of this Discourse.

POST.

POSTSCRIPT.

*King James in his Apology for the Oath of Allegiance,
Pag. 46, &c. thus argues with Cardinal Bellarmine, viz.*

AS the Oath of Supremacy was devised for putting a Difference between Papists, and them of our Profession; so was this Oath [of Allegiance] which *Bellarmino* would seem to impugn, ordained for making the Difference between the civilly obedient Papists, and the perverse Disciples of the Powder-Treason. In King *Henry* the Eighth's time was the Oath of Supremacy first made; by him were *Thomas Moor* and *Roffensis* put to death, partly for refusing it. From his time till now, have all the Princes of this Land, professing this Religion, successively in effect, maintained the same: and in that Oath only is contained the King's Absolute Power to be Judge over all Persons, as well Civil as Ecclesiastical; excluding all Foreign Powers and Potentates to be Judges within his Dominions: Whereas this last made Oath containeth no such matter, only meddling with the Civil Obedience of Subjects to their Sovereign in meer Temporal Causes. And that the Injustice as well as the Error of *Bellarmino's* gross mistaking in this Point, may yet be more clearly discovered; I have also thought good to insert here immediately after the Oath of Supremacy, the contrary Conclusions to all the Points and Articles, whereof this other late Oath doth consist; whereby it may appear what unreasonable and rebellious Points he would drive my Subjects unto, by refusing the whole Body, or that Oath, as it is conceived. For he that shall refuse to take this Oath, must of necessity hold all or some of these Propositions following.

1. That I King *James* am not the lawful King of this Kingdom, and of all other my Dominions.

2. That the Pope by his own Authority may depose me: If not by his own Authority, yet by some other Authority of the Church, or of the See of *Rome*. If not by some other Authority of the Church and Sea of *Rome*, yet by other means with others help he may depose me.

3. That

POSTSCRIPT.

3. That the Pope may dispose of my Kingdoms and Dominions.

4. That the Pope may give Authority to some Foreign Prince to invade my Dominions.

5. That the Pope may discharge my Subjects of their Obedience and Allegiance to me.

6. That the Pope may give Licence to one or more of my Subjects to bear Arms against me.

7. That the Pope may give leave to my Subjects to offer Violence to my Person, or to my Government, or to some of my Subjects.

8. That if the Pope shall by Sentence excommunicate or depose me, my Subjects are not to bear Faith and Allegiance to me.

9. If the Pope shall by Sentence excommunicate or depose me, my Subjects are not bound to defend with all their power my Person and Crown.

10. If the Pope shall give out any Sentence of Excommunication, or Deprivation against me, my Subjects by reason of that Sentence, are not bound to reveal all Conspiracies and Treasons against me, which shall come to their hearing or knowledge.

11. That it is not heretical and detestable to hold that Princes being excommunicated by the Pope, may be either deposed or killed by their Subjects, or any other.

12. That the Pope hath Power to absolve my Subjects from this Oath, or from some part thereof.

13. That this Oath is not administered to my Subjects, by a full and lawful Authority.

14. That this Oath is to be taken with Equivocation, mental Evasion, or secret Reservation; and not with the Heart and good Will sincerely, in the Faith of a Christian Man.

F I N I S.

